

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

In the Matter of

Telecommunications Carriers Eligible to
Receive Universal Service Support,

PlatinumTel Communications, LLC Petition for
Designation as an Eligible Telecommunications
Carrier for Low Income Support Only

WC Docket No. 09-197

**REVISED PETITION OF PLATINUMTEL COMMUNICATIONS, LLC
FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER
FOR LOW INCOME SUPPORT ONLY**

Thomas H. Rowland
Kevin D. Rhoda
ROWLAND & MOORE LLP
200 West Superior Street
Suite 400
Chicago, Illinois 60654
(312) 803-1000
tom@telecomreg.com
krhoda@telecomreg.com

Counsel for PlatinumTel Communications, LLC

Dated: September 24, 2012

SUMMARY

PlatinumTel seeks ETC designation exclusively for low income support in Alabama, Connecticut, Delaware, District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee and Virginia (collectively, the “Designated Service Area”). PlatinumTel does not seek, and will not accept, High Cost support in any part of the Designated Service Area.

PlatinumTel Communications, LLC (“PlatinumTel” or “Company”) has been providing prepaid wireless telecommunications services to low income consumers throughout the United States since 2001, making it one of the earliest pioneers in prepaid wireless. In 2009, PlatinumTel was certified as an eligible telecommunications carrier (“ETC”) in Illinois. PlatinumTel operates through a combination of resale throughout its service area as well as facilities that it owns in Illinois. PlatinumTel respectfully submits this Revised Petition for designation as an eligible telecommunications carrier pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended (“Act”).¹

PlatinumTel provides prepaid wireless service to customers from lower income backgrounds that generally do not have wireless service because of economic constraints, poor credit history or an inability to enter into a long-term contract. PlatinumTel does not impose credit checks or long-term service contracts as a prerequisite to obtaining service. Prepaid wireless services have become essential for lower-income customers, providing them with affordable wireless access, including access to emergency services and a reliable means of accessing contacts for family, prospective employers or social services agencies.

PlatinumTel provides prepaid wireless telecommunications services to consumers by reselling the services of Sprint PCS, which provides wholesale capacity to wireless resellers.

¹ 47 U.S.C. §214(e)(6).

Sprint PCS will provide PlatinumTel with the network infrastructure and wireless transmission facilities, allowing PlatinumTel to operate as a Mobile Virtual Network Operator (“MVNO”). As an MVNO, PlatinumTel purchases wireless services from the underlying carrier on a wholesale basis for calling, text messaging, broadband and resells those services to customers using its own brand. PlatinumTel’s value proposition enables customers to select among an array of flexible service plans that allow them to pay for minutes as they use them or purchase monthly packages of minutes in advance. Through its contracts with underlying carriers, PlatinumTel has the ability to offer all of the services and functionalities supported by the USF and set forth in Section 54.101(a) of the Commission’s rules. PlatinumTel respectfully requests that the Commission promptly approve the instant request for ETC designation to enable PlatinumTel to rapidly provide Lifeline services to qualifying customers in the Designated Service Area.

TABLE OF CONTENTS

I.	Overview of PlatinumTel.....	2
II.	PlatinumTel Meets the Requirements for ETC Designation.....	5
	A. The Relevant State Public Utility Commissions have Asserted that they Lack Jurisdiction.....	6
	B. PlatinumTel is a Common Carrier.....	7
	C. PlatinumTel Provides the Core Services Required to Qualify for Universal Service Support.....	7
	D. PlatinumTel Will Comply with Advertising Rules and Requirements.....	9
	E. PlatinumTel will Comply with §54.202 of the FCC’s Rules.....	10
III.	Subscriber Eligibility, Initial Certification and Annual Verification.....	17
IV.	De-Enrollment.....	28
V.	Anti-Drug Abuse Certification.....	31
VI.	Conclusion.....	31

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

In the Matter of

Telecommunications Carriers Eligible to
Receive Universal Service Support,

PlatinumTel Communications, LLC Petition for
Designation as an Eligible Telecommunications
Carrier for Low Income Support Only

:
:
:
:
:
:
:
:
:
:
:
:
:
:

WC Docket No. 09-197

**REVISED PETITION OF PLATINUMTEL COMMUNICATIONS, LLC
FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER
FOR LOW INCOME SUPPORT ONLY**

PlatinumTel Communications, LLC (“PlatinumTel”) respectfully submits this Revised Petition for designation as an eligible telecommunications carrier pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended (“Act”)² and Section 54.201 *et seq.* of the Commission’s rules³. This Revised Petition is intended to replace the PlatinumTel ETC Petition that was filed on August 5, 2011.⁴ On June 4, 2012, PlatinumTel amended its Petition in accordance with the FCC’s February 6, 2012 Order that updated policies and rules concerning, in part, the provision of Lifeline eligible telecommunications carrier services.⁵ This Revised

² 47 U.S.C. §214(e)(6).

³ 47 C.F.R. §54.201.

⁴ On November 4, 2011 PlatinumTel filed an Ex Parte letter with the FCC to clarify that it was not seeking Link Up support as part of its Petition.

⁵ *In the Matter of Lifeline and Link Up Reform and Modernization; Lifeline and Link Up; Federal-State Joint Board on Universal Service; Advancing Broadband Availability Through Digital Literacy Training*, Report and Order and Further Notice of Proposed Rulemaking (February 6, 2012) (“*Lifeline and Link Up Reform and Modernization Order*”).

Petition contains further updates and is intended to replace the earlier versions filed by PlatinumTel.

PlatinumTel seeks ETC designation for Lifeline (i.e., low income support) in the following states: Alabama, Connecticut, Delaware, District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee and Virginia (collectively, the “Designated Service Area”). PlatinumTel does not seek, and will not accept, High Cost support in any part of the Designated Service Area.

I. Overview of PlatinumTel

PlatinumTel has been providing prepaid wireless telecommunications services to low income consumers throughout the United States since 2001, making it one of the earliest pioneers in prepaid wireless. The Company currently serves customers in 48 states. In 2009, PlatinumTel was certified as an ETC in Illinois. PlatinumTel operates through a combination of resale throughout its service area as well as facilities that it owns in Illinois. Those facilities, which include routers and a soft switch, allow PlatinumTel to provide its customers international calling and access to services such as 411 and 611.

As one of the oldest prepaid providers in the U.S., PlatinumTel has been a leader in prepaid wireless by offering consumers an affordable product and by making prepaid wireless easy to understand. PlatinumTel’s many achievements include innovations that have become industry standards, including, (1) in 2002 developing the first online activation and customer management portal allowing customers and retailers alike the ability to not only buy online, but also purchase airtime, and manage their accounts; (2) in 2001 being the first prepaid wireless carrier to offer prepaid customers with a \$10 top-up option; and (3) offering customers the most affordable pay-as-you-go wireless service in the U.S. in 2011. This innovation has helped PlatinumTel grow and be one of the leading prepaid wireless carriers in the industry.

PlatinumTel provides Lifeline customers with a better overall experience, ensuring their understanding of the Lifeline program, giving them the comfort in knowing they are being serviced by an industry leader, pioneer and veteran.

Since 2001, PlatinumTel has been providing prepaid wireless service to lower income customers that generally do not have wireless service because of economic constraints, poor credit history or an inability to enter into a long-term contract. PlatinumTel does not impose credit checks or long-term service contracts as a prerequisite to obtaining service. Prepaid wireless services have become essential for lower-income customers, providing them with affordable wireless access, including access to emergency services and a reliable means of communicating with family, prospective employers or social services agencies.

PlatinumTel has implemented extensive outreach efforts to providers of social services to lower income residents in Illinois. The company has outreach programs with numerous churches, non-profit, and community organizations. These organizations assist low income consumers in finding and applying for appropriate government benefits. By establishing these relationships, PlatinumTel is able to educate consumers about the Lifeline program, identify and enroll truly eligible consumers, and create long-lasting community ties. These efforts also reflect PlatinumTel's dedication to reducing waste, fraud and abuse, by aligning with organizations that work with qualified consumers. PlatinumTel believes that this type of community outreach is vital to the success of the Lifeline program, as it is an effective means of informing consumers about the benefits, and is a great supplement to traditional marketing efforts.

PlatinumTel provides prepaid wireless telecommunications services to consumers by reselling the services of Sprint, which provides wholesale capacity to wireless resellers. Sprint

will provide PlatinumTel with the network infrastructure and wireless transmission facilities, allowing PlatinumTel to operate as a Mobile Virtual Network Operator. As an MVNO, PlatinumTel provides calling, text messaging, broadband to customers using its own brand. PlatinumTel's value proposition enables customers to select among an array of flexible service plans that allow them to pay for minutes as they use them or purchase monthly packages of minutes in advance.

PlatinumTel operates, manages and markets all aspects of the customer experience, including in-house U.S. based customer service, 411 directory assistance, international calling, IT services, pricing, the PlatinumTel website, handset procurement, handset logistics, handset selection, service offerings, entertainment applications and marketing materials. Since 2010 PlatinumTel has offered the lowest cost pay-as-you-go wireless services to consumers in the United States.

PlatinumTel began offering Lifeline services in Illinois in March 2011. The company's Lifeline package includes not only a free phone, but more minutes and cheaper text messaging rates than other prepaid wireless Lifeline providers. PlatinumTel provides a semi-activated handset to its customers. Upon delivering the handset, the customer must activate the service by making an outbound call. PlatinumTel also ensures that all handsets sent to customers are E911 compliant. Subscribers may easily de-enroll from Lifeline or disconnect their service at any time by calling the Care Wireless toll free customer service line at 1-855-711-2222.

On July 2, 2010, PlatinumTel filed a petition seeking forbearance consistent with prior decisions for similarly situated MVNOs.⁶ As described above, PlatinumTel owns facilities in Illinois, including, but not limited to routers and a soft switch. Those facilities allow PlatinumTel to serve its CMRS customers with international calling as well as providing access to services such as 411 and 611. On September 20, 2011 the FCC released its Forbearance Order.⁷ On September 14, 2012 PlatinumTel filed its Revised Compliance Plan that replaced earlier versions filed with the FCC on November 8, 2011 and April 23, 2012. A copy of PlatinumTel's Revised Compliance Plan is attached as Exhibit 1.

As described below, PlatinumTel offers "Voice Telephony Services" as defined in Section 54.101(a) of the Commission's rules. PlatinumTel respectfully requests that the Commission promptly approve this revised request for ETC designation in order to enable PlatinumTel to rapidly provide Lifeline services to qualifying customers in the Designated Service Area.

II. PlatinumTel Meets the Requirements for ETC Designation.

Pursuant to Section 214(e)(1) of the Act, a telecommunications carrier may be designated as an ETC and thereby receive universal service support if the carrier, throughout its service areas: (a) offers the services that are supported by federal universal service support mechanisms under §254(c) of the Act, either using its own facilities or a combination of its own facilities and resale of another carrier's services (including services offered by another ETC); and (b) advertises the availability of and charges for such services using media of general distribution.

⁶ *In the Matter of Federal-State Joint Board on Universal Service*, Petition for Forbearance of PlatinumTel Communications, LLC, WC Docket No. 09-197 (July 2, 2010).

⁷ *In the Matter of Telecommunications Carriers Eligible for Universal Service Support; PlatinumTel, LLC Petition for Forbearance; CAL Communications, Inc. Petition for Forbearance; ReCellular, Inc. *MSA Wireless) Petition for Forbearance*, WC Docket 09-197 (Sept. 20, 2011).

However, with respect to the ‘own facilities’ requirement, the FCC issued a ‘blanket’ forbearance for Lifeline-only ETCs subject to certain conditions:

the Commission will forbear from the “own-facilities” requirement contained in section 214(e)(1)(A) for carriers that are, or seek to become, Lifeline-only ETCs, subject to the following conditions: (1) the carrier must comply with certain 911 requirements, as explained below; and (2) the carrier must file, and the Bureau must approve, a compliance plan providing specific information regarding the carrier’s service offerings and outlining the measures the carrier will take to implement the obligations contained in this Order as well as further safeguards against waste, fraud and abuse the Bureau may deem necessary.⁸

Section 54.201(b) of the FCC’s Rules states that the Commission shall, on its own motion or upon request, designate a common carrier an ETC so long as the carrier meets the requirements of Section 54.201(d), which restates the requirements found in Section 214(e)(1) of the Act. Section 214(e)(2) of the Act and Section 54.201(c) of the FCC’s Rules state that the Commission may, in the case of an area serviced by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an ETC for a service area the Commission designates, provided each additional requesting carrier satisfies Section 214(e)(1) of the Act and Section 54.201(d) of the FCC’s Rules. Before designating an additional ETC for an area serviced by a rural telephone company, the Commission shall find that such designation is in the public interest.

A. The Relevant State Public Utility Commissions have Asserted that they Lack Jurisdiction.

Each state subject to this Petition has asserted that it lacks jurisdiction over the wireless services that PlatinumTel seeks to provision as an Eligible Telecommunications Carrier. PlatinumTel therefore seeks ETC designation from this Commission pursuant to Section

⁸ *Lifeline and Link Up Reform and Modernization Order* at ¶368.

214(e)(6).⁹ Exhibit 2, attached to this Revised Petition, contains relevant orders and/or examples of letters from those state commissions asserting to a lack of jurisdiction over wireless services.

B. PlatinumTel is a Common Carrier.

PlatinumTel seeks to serve consumers in the Designated Service Area through Commercial Mobile Radio Service (“CMRS”). Pursuant to 47 U.S.C. §332(c)(1)(A) of the Act, an entity providing CMRS is a common carrier.

C. PlatinumTel Provides the Core Services Required to Qualify for Universal Service Support.

Since the filing of PlatinumTel’s original ETC Petition, the Commission revised 47 C.F.R. § 54.101(a) with respect to supported services:

Services designated for support. Voice telephony services shall be supported by federal universal support mechanisms. Eligible voice telephony service must provide voice grade access to the public switched network or its functional equivalent; minutes of use for local service provided at no additional charge to end users; access to emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an eligible telecommunications carrier’s service area has implemented 911 or enhanced 911 systems; and toll limitation for qualifying low income consumers (as described in subpart E of this part).¹⁰

As described below, PlatinumTel complies with revised Section 54.101(a) of the FCC’s rules.

Voice Grade Access to the Public Switched Network

“Voice grade access” is defined as a functionality that enables a user of telecommunications services to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal indicating there is an incoming call. For the purposes of this part, bandwidth for voice grade access should be, at a minimum, 300 to 3,000 Hertz. PlatinumTel provides voice grade

⁹ 47 U.S.C. §214(e)(6).

¹⁰ *Connect America Fund, et al.*, Order on Reconsideration, Docket Nos. WC 10-90, *et al.* (December 23, 2011) (“*USF/ICC Order on Reconsideration*”).

access to the public switched telephone network (“PSTN”) through its provision of resold CMRS. Bandwidth for this voice-grade access is at a minimum between 300 and 3,000 MHz, as required by the Commission’s rules.

Minutes of Use for Local Service

PlatinumTel offers a variety of rate plans that provide its customers with local usage on a per minute or per month rate. PlatinumTel further commits to complying with any future minimum local usage requirements adopted by the FCC. PlatinumTel’s Plans are further described in Section II.E, below.

Access to Emergency Services

"Access to emergency services" includes access to services, such as 911 and enhanced 911, provided by local governments or other public safety organizations. 911 is defined as a service that permits a telecommunications user, by dialing the three-digit code "911" to call emergency services through a Public Service Access Point (“PSAP”) operated by the local government. "Enhanced 911" is defined as 911 service that includes the ability to provide automatic numbering information (“ANI”), which enables the PSAP to call back if the call is disconnected, and automatic location information (“ALI”), which permits emergency service providers to identify the geographic location of the calling party. "Access to emergency services" includes access to 911 and enhanced 911 services to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems.

PlatinumTel provides access to both 911 and E911 services to the extent local governments have implemented such services. PlatinumTel will provide access to 911 service and meet all requests for access to E911 service through local PSAPs, including forward ANI and ALI to PSAPs as appropriate. Additionally, PlatinumTel provides E-911 compliant handsets

to its Lifeline subscribers and will replace non-compliant handsets to Lifeline subscribers at no additional charge. PlatinumTel agrees to abide by any state-specific obligations to obtain either a certification from each PSAP where it plans to offer service, or a self-certification, confirming that it provides its subscribers with 911 and E911 access.¹¹

Toll Limitation

PlatinumTel meets this requirement by offering service on a prepaid basis, as well as toll control for international calls. PlatinumTel's nationwide calling plans do not distinguish between local or toll services for domestic calls. As the FCC found in *In Re Virgin Mobile USA, L.P. Petition for Forbearance from 47 U.S.C. §214(e)(1)(A)*, Order, 24 FCC Rcd. 3381, 3394 at ¶34 (March 5, 2009), "the prepaid nature of [a prepaid wireless carrier's] service offering works as an effective toll control." Additionally, PlatinumTel will provide traditional toll control for international calls to qualifying low income consumers at no additional charge. Finally, PlatinumTel customers have the ability to monitor their minute usage and balances from their handset, on-line, and/or customer pre-set alerts as an additional means of monitoring their expenditures.

D. PlatinumTel Will Comply with Advertising Rules and Requirements.

PlatinumTel will broadly advertise the availability of and rates using media of general distribution as required by Section 54.201(d)(2) of the Commission's rules.¹² PlatinumTel will advertise the general availability of, and charges for, the supported services listed above to all telecommunications customers in the Designated Service Areas.¹³ PlatinumTel will place those advertisements in a media of general distribution that specifically targets low-income customers

¹¹ *Lifeline and Link Up Reform and Modernization Order* at ¶¶375, 383. PlatinumTel will obtain such certifications based on individual state-specific obligations.

¹² 47 C.F.R. §54.201(d)(2).

¹³ See, for example, Exhibits D-1 and D-2 to PlatinumTel's September 14, 2012 Revised Compliance Plan..

including newspapers, mail advertisements, radio, television, direct mail, and community outreach organizations.

Pursuant to the *Lifeline and Link Up Reform and Modernization Order*, Section 54.405 of the Commission's rules was revised with respect to certain advertising requirements. Specifically, PlatinumTel commits to publicize the availability of Lifeline service in a manner reasonably designed to reach those customers who are likely to qualify for the service.¹⁴ Additionally, PlatinumTel will indicate on all print, audio, video, and web materials used to describe or enroll in its Lifeline service program that (i) it is a Lifeline service; (ii) that Lifeline is a government assistance program; (iii) that the service is non-transferable; (iv) that only eligible consumers may enroll in the program; and (v) that the program is limited to one discount per household.¹⁵ Finally, PlatinumTel commits to disclose the name of its ETC carrier (i.e., Care Wireless) on all materials describing the service.¹⁶

E. PlatinumTel will Comply with §54.202 of the FCC's Rules.

The *Public Notice*¹⁷ requires carriers to include certifications required under recently amended 47 C.F.R. § 54.202. Section 54.202 of the FCC's rules contains additional requirements for Federal Communications Commission designation of eligible telecommunications carriers.

PlatinumTel Certification of Compliance with Lifeline Service Requirements

Pursuant to §54.202(a)(1)(i) PlatinumTel certifies that it will comply with the service requirements applicable to the support it receives. Because PlatinumTel seeks only low-income

¹⁴ 47 C.F.R. §54.405(b).

¹⁵ Id. at 47 C.F.R. §54.405(c).

¹⁶ Id. at 47 C.F.R. §54.405(d).

¹⁷ *Wireline Competition Bureau Provides Guidance for the Submission of Compliance Plans Pursuant to the Lifeline Reform Order*, Public Notice, DA 12-314 (WCB, rel. Feb. 29, 2012) ("Public Notice").

support, as opposed to high-cost funding to support the construction of network facilities, it is not submitting a network improvement plan under 47 C.F.R. §54.202(a)(1)(ii).

PlatinumTel will Remain Functional in Emergencies.

PlatinumTel commits to remaining functional in emergency situations.¹⁸ As described above, as an MVNO, PlatinumTel has sought forbearance from enforcement of the facilities requirement to permit its designation as an ETC. Through its contracts with underlying carriers, PlatinumTel has the ability to offer all of the services and functionalities supported by the USF and set forth in Section 54.101(a) of the Commission's rules. With respect to resold services provided by underlying carriers, those carriers are large, national carriers that are subject to regulatory requirements to remain functional in emergencies.

PlatinumTel will provide its low income customers with 911 and E911 access where appropriate, regardless of the customer's activation status and availability of prepaid minutes. PlatinumTel will provide E911-compliant handsets to all its low income customers, including replacing any handsets found to be non-compliant.

PlatinumTel will Satisfy Applicable Consumer Protection and Service Quality Standards.

Pursuant to 47 CFR §54.202(a)(3), an ETC applicant must demonstrate that it will satisfy applicable consumer protection and service quality standards. PlatinumTel will comply with all applicable state and federal consumer protection and service quality standards in its Designated Service Area, as well as the CTIA Consumer Code for Wireless Service.

¹⁸ See 47 C.F.R. §54.202(a)(2).

PlatinumTel has the Financial and Technical Ability to Provide Lifeline Supported Services.

Paragraph 388 of the *Lifeline and Link Up Reform and Modernization Order* updated the Commission's rules to ensure that Lifeline-only ETCs have the financial and technical ability to offer Lifeline-supported services.¹⁹ PlatinumTel Communications is a privately held, cash-flow-positive limited liability corporation. The company is guided by four top-level executives, overseeing a staff of over 100 dedicated employees. PlatinumTel's officers have extensive experience in the wireless telecommunications industry.

PlatinumTel has a strong IT team devoted to the development of unique business services and over the years has maintained a robust and profitable telecommunications operation. The success of PlatinumTel's business is due in large part to the continuity of its highly qualified management team with over 50 years of combined relevant experience. PlatinumTel is one of the oldest and largest prepaid wireless companies in the United States. PlatinumTel's U.S. based IT/R&D team is at the heart of PlatinumTel's growth by enabling them to meet the needs of an ever-changing wireless landscape. All aspects of project development happen within PlatinumTel's innovation-centric environment, from imagination, to incubation, to concept, to design & architecture, to software scripting & coding, to testing, and full deployment. This highly forward thinking and technological atmosphere has led to:

- Creation of a proprietary customer management and billing system;
- Development and implementation of a retailer online management system, PlatinumTel Online Dealer System, an industry first;
- A scalable inventory and logistics management system;

¹⁹ See also Id. at §54.202(a)(4).

- In house development and implementation of automated processes such as customer balance check, automated airtime replenishment, automated Lifeline notification for re-verification, and many more similar innovations;
- Being the first carrier in the nation to develop an Application Programming Interface (“API”) that allows consumers to top-up their prepaid wireless service using any dollar amount, commonly known as Cash Top-Up or Real Time Replenishment (“RTR”).

The biographies of PlatinumTel’s management team are summarized below:

Omar Ahmad, CEO, Co-founder

Chief Executive Officer and Co-Founder of PlatinumTel, Omar Ahmad has owned and managed businesses in the telecommunications industry for 14 years. Originally from Chicago, Ahmad worked abroad in Germany and Nigeria at A&A Shipping where he was an Office Manager and then Managing Director. The Company was a startup when Ahmad began and was grossing \$15 million in sales when he made the decision to return to the United States and start his own retail pager/cellular business in Milwaukee, Wisconsin. Ahmad ran and operated 5 retail outlets when he realized that there was a segment of customers not being serviced due to credit checks being a requirement. He saw an opportunity to provide an affordable wireless product and service to those customers and co-founded PlatinumTel in 2001. Ahmad is highly involved in all aspects of PlatinumTel including negotiations with service providers, overseeing operations and managers of various departments, strategic planning, new product development, marketing and more. Ahmad continues to advance PlatinumTel’s reach in the prepaid market as the wireless industry continues to grow and expand.

Omar Aqel, COO, Co-founder

Chief Operating Officer and Co-Founder of PlatinumTel, Omar Aqel was born and raised in the Southside of Chicago and has been a successful entrepreneur for over 20 years. After attending the University of Illinois at Chicago (UIC), Aqel co-founded his first business, Quality Foods Wholesale, in 1990. He later opened Sinjel & Baker in 1994, a food distribution company, which he ran until 1999. Aqel co-founded PlatinumTel in 2001 as he and his partners saw a tremendous opportunity in the prepaid wireless segment, as well as a shared vision that the need for wireless connectivity will continue to grow worldwide as a basic necessity. At PlatinumTel, Aqel works closely with the Company's service providers, negotiating plans, and oversees various departments' leadership and overall company growth. He also oversees day-to-day operations, business development, strategic planning, advertising and marketing for PlatinumTel. Omar plans to continue accelerating the growth of PlatinumTel, as a leader and innovator in the prepaid industry, and contribute to the development of the prepaid space as the future of the evolving wireless industry.

Sam Abueid, President, Co-founder

President of PlatinumTel, Sam Abueid was born and raised in Chicago and graduated from the University of Illinois at Chicago. Abueid was co-founder and owner of Dress Code, an urban fashion chain in Chicago. Intrigued by the prepaid wireless industry and wanting to continue in business geared towards the urban population, Abueid co-founded PlatinumTel in 2001. As well as contributing to all administrative decisions, Abueid oversees PlatinumTel's Accounting and Finance Department, sales force as well as communicates regularly with

distributors, dealers and retailers about PlatinumTel products. Abueid continues to expand PlatinumTel's growth and innovation in the industry.

Omar Abhari, Senior Vice President

Mr. Omar Abhari is the Senior Vice President of PlatinumTel. Mr. Abhari has extensive experience as an IT Manager and Business Development Manager and has worked with PlatinumTel since 2002. Mr. Abhari has managed and participated in the design, development and implementation of all Information Technology Projects completed to date, managed, co-designed and implemented wireless service billing and customer service management system, designed and implemented the company's website, managed and co-designed the company's telecommunications systems with call center, IVR, and Automatic Call Distribution applications, managed and co-designed the company's web-based wireless service provisioning system, and is involved in negotiating all telecommunications and networking contracts with various vendors.

Description of PlatinumTel's Service Offerings.

PlatinumTel will offer the three plans²⁰ to its eligible customers. Two plans will be free to eligible subscribers, while one will have a monthly charge. PlatinumTel will offer the following three plans:

300 Free Minutes: This plan includes 300 free minutes added on the first day of the month. Unused minutes expire on the first day of the month when the account is replenished with the next month's 300 free minutes. If a subscriber runs out of minutes, they have the option to purchase additional airtime billed at \$.05 per minute and \$.02 per text message

150 Free Voice Minutes and 50 Free Text Messages: This plan includes 150 free voice minutes and 50 free text messages added on the first day of the month. Unused minutes and text messages carry over to the next month. If a subscriber

²⁰ See Id. at §54.202(a)(5).

runs out of minutes, they have the option to purchase additional airtime billed at \$.05 per minute and \$.02 per text message.

500 Talk and Text Credit: Subscribers can purchase the 500 voice minutes and 500 text message monthly bundle for \$10. This plan normally costs \$20.

In addition to free voice services, each PlatinumTel Lifeline plan includes a free handset and free customer calling features, including Caller Identification, Call Waiting, Call Forwarding, 3-Way Calling and Voicemail. All plans include domestic long distance at no extra per minute charge. Calls to emergency 9-1-1 are always free, irrespective of the status of service activation or availability of minutes. PlatinumTel does not collect service deposits for its plans or charge a number portability fee.²¹

Designating PlatinumTel as an ETC is in the Public Interest.

Designation of PlatinumTel as an ETC will serve the overall public interest, and will particularly benefit low income customers in the Designated Service Area.²² The primary purpose of universal service is to ensure that consumers - especially low income consumers - receive affordable telecommunications services that are comparable to those enjoyed by other consumers. PlatinumTel offers voice service at affordable rates to economically disadvantaged customers who desire affordable wireless services. PlatinumTel plays a critical role in the marketplace by ensuring that Americans who cannot qualify for or afford other carriers' services can still enjoy the benefits of wireless telecommunications. Through this Petition, PlatinumTel seeks to make it easier for low income consumers located within the Designated Service Area to access wireless service, along with features and functions, including voice mail and text messaging.

²¹ See 47 C.F.R. § 54.401(c), (e).

²² See Id. at §54.202(b).

Granting PlatinumTel ETC status for low income support related to its wireless offerings will promote additional deployment of PlatinumTel's offerings to the Designated Service Area. PlatinumTel offers quality service at affordable prices, and adds another choice of provider for customers in the Designated Service Area. The inclusion of unlimited domestic toll calling as a part of PlatinumTel's wireless offering will allow consumers to avoid the risk of becoming burdened with large and unexpected charges for the toll calling and unexpected overage charges.

Additionally, ETC status will allow PlatinumTel to offer service to many low income customers who may not have service but for the Company. ETC status will allow low-income customers access to quality telecommunications service in the Designated Service Area. Because PlatinumTel's service is provided with no credit check, deposit requirement, minimum service periods, or early termination fees, the service will be an attractive and affordable alternative to qualified low-income consumers without regard to age, residency or creditworthiness. The wireless service offered by PlatinumTel will provide consumers with a convenient and affordable alternative to traditional telecommunications service that can be used on a mobile basis. Finally, wireless services have become essential for lower-income citizens, providing convenient, mobile, access to the telephone network, including emergency services. Providing PlatinumTel with the authority necessary to offer discounted Lifeline services to those consumers located in the Designated Service Area most in danger of losing wireless service altogether promotes the primary purpose of universal service and the overall public interest.

III. Subscriber Eligibility, Initial Certification and Annual Verification

The *Lifeline and Link Up Reform and Modernization Order* confirmed that the Commission will transition to a governmental database in order to confirm the initial and continued eligibility of a lifeline customer. The Order stated:

As explained above, we conclude that establishing a fully automated means for verifying consumers' initial and ongoing Lifeline eligibility from governmental data sources would both improve the accuracy of eligibility determinations and ensure that only eligible consumers receive Lifeline benefits, and reduce burdens on consumers as well as ETCs. . . . We therefore direct the Bureau and USAC to take all necessary actions so that, as soon as possible and no later than the end of 2013, there will be an automated means to determine Lifeline eligibility for, at a minimum, the three most common programs through which consumers qualify for Lifeline.²³

However, until the database is operational, PlatinumTel will continue to abide by its established enrollment procedures. PlatinumTel will accept electronic signatures that meet the requirements of the Electronic Signatures in Global and National Commerce Act, 15 USC 7001-7006, and any applicable state laws.²⁴ Pursuant to the *Lifeline and Link Up Reform and Modernization Order*, PlatinumTel will not retain copies of proof documentation, but rather will maintain accurate records detailing how the consumer demonstrated his or her eligibility.²⁵

PlatinumTel will implement certification procedures that enable consumers to demonstrate their eligibility for Lifeline assistance by contacting PlatinumTel in person or via telephone, facsimile, or the Internet. Consumers will be provided with printed information describing PlatinumTel's Lifeline program, including eligibility requirements, and with instructions for enrolling. Consumers will be signed up in person or directed, via company literature, collateral or advertising, to a toll-free telephone number and to PlatinumTel's website, which will contain a link to information regarding the Company's Lifeline service plan, including a detailed description of the program and state-specific eligibility criteria. Applicants

²³ *Lifeline and Link Up Reform and Modernization Order* at ¶403.

²⁴ *Id.* at ¶168.

²⁵ *Id.* at ¶101.

are required to provide PlatinumTel with documents demonstrating their eligibility based on the qualifying program they selected.

PlatinumTel's application form for its Care Wireless service will clearly identify that it is a "Lifeline" application. PlatinumTel will have direct contact with all customers applying for Lifeline service, either in person through its employees or authorized locations, via the company's website, via the telephone (including facsimile) or mail. PlatinumTel will provide Lifeline-specific training to all personnel, whether employees or authorized locations, that interact with actual or prospective consumers with respect to obtaining, changing or terminating its Lifeline services. PlatinumTel will ensure that all required documentation is handled properly by using state-specific compliance checklists. For states with program-based eligibility criteria, the form will list each of the qualifying programs, and the applicant will be required to identify the program(s) in which they participate.

The applicant will also be required to authorize Care Wireless to transmit subscriber information required for the administration of the Lifeline credit program, including to the Universal Service Administrative Corporation ("USAC") to be used in a Lifeline program database.²⁶

Pursuant to the *Lifeline and Link Up Reform and Modernization Order*, PlatinumTel's certification form will also "explain in plain, easily comprehensible language that: (1) Lifeline is a federal benefit; (2) Lifeline service is available for only one line per household; (3) a household is defined, for purposes of the Lifeline program, as any individual or group of individuals who

²⁶ See Section 54.404(b)(9).

live together at the same address and share income and expenses; and (4) a household is not permitted to receive Lifeline benefits from multiple providers”.²⁷

Upon enrollment, PlatinumTel will inform consumers about the annual re-certification requirement on the certification form.²⁸ Applicants will also be required to initial a number of disclosure statements intended to ensure that the applicant understands applicable eligibility requirements—including a statement to the effect that to the best of his or her knowledge, the applicant is not receiving Lifeline-supported service from any other Lifeline provider. Penalties for perjury will be clearly-stated on the certification form. The certification form will also contain language stating that violation of the one-per-household requirement constitutes a violation of the Commission’s rules and will result in the consumer’s de-enrollment from the program, and could result in criminal prosecution by the United States government.²⁹

In accordance with the *Lifeline and Link Up Reform and Modernization Order*, PlatinumTel will obtain the consumer’s residential address (post office boxes and general delivery mailboxes are not accepted), which the consumer must indicate is his or her permanent address, temporary address, or a multi-household residence, and a billing address for the service (if the consumer’s billing address differs from his or her residential address).³⁰ A consumer who lacks a permanent residential address must provide a temporary residential service address or other address identifying information that could be used to perform a check for duplicative support. For applicants that use a temporary address, the applicant will be required to verify

²⁷ *Lifeline and Link Up Reform and Modernization Order* at ¶121.

²⁸ See *Id.* at ¶145.

²⁹ *Id.* at ¶121.

³⁰ *Id.* at ¶85.

every 90 days that the subscriber continues to rely on that address.³¹ If the applicant does not respond to address verification attempts within 30 days, the subscriber will be de-enrolled from Lifeline service.³² The application form will also clearly state that Lifeline participants must provide their new address to the Company within 30 days of moving³³ or they will be de-enrolled from the Lifeline program. Applicants who select “Multi-Household” are required to complete the “Lifeline Household Worksheet” (see Exhibit A to PlatinumTel’s September 14, 2012 Revised Compliance Plan, attached hereto) as defined by the USAC to demonstrate whether there is a single or multiple households at the address provided. PlatinumTel further agrees to comply with all other updated Commission enrollment rules.³⁴

The *Lifeline and Link Up Reform and Modernization Order* confirmed that the Commission will transition to a governmental database in order to confirm the initial and continued eligibility of a lifeline customer. The Order stated:

As explained above, we conclude that establishing a fully automated means for verifying consumers’ initial and ongoing Lifeline eligibility from governmental data sources would both improve the accuracy of eligibility determinations and ensure that only eligible consumers receive Lifeline benefits, and reduce burdens on consumers as well as ETCs. . . . We therefore direct the Bureau and USAC to take all necessary actions so that, as soon as possible and no later than the end of 2013, there will be an automated means to determine Lifeline eligibility for, at a

³¹ See 47 CFR 54.410(d)(3)(iv). See also 47 CFR 54.410(g), a requirement that is not yet effective. Notice of Office of Management and Budget Action dated April 13, 2012 (“Information collection request updated to remove the following information collections from this request: the temporary address confirmation and recertification (47 C.F.R. § 54.410(g) and the portion of 47 C.F.R § 54.405(e)(4) relating to temporary address de-enrollment) and the biennial audit requirement (47 C.F.R. § 54.420(a)). FCC may re-submit these removed collections for OMB review at a later date after further consideration.”).

³² *Lifeline and Link Up Reform and Modernization Order* at Appendix C.

³³ *Id.* at ¶¶85, 117.

³⁴ See *Id.* at ¶60 and Appendix C.

minimum, the three most common programs through which consumers qualify for Lifeline.³⁵

However, until the database is operational, PlatinumTel will continue to abide by its established enrollment procedures.

PlatinumTel will accept electronic signatures that meet the requirements of the Electronic Signatures in Global and National Commerce Act, 15 USC 7001-7006, and any applicable state laws.³⁶ Pursuant to the *Lifeline and Link Up Reform and Modernization Order*, PlatinumTel will not retain copies of proof documentation, but rather will maintain accurate records detailing how the consumer demonstrated his or her eligibility.³⁷

PlatinumTel's Lifeline application form (Exhibit B to PlatinumTel's September 14, 2012 Revised Compliance Plan, attached hereto) includes a certification section where the applicant must attest and sign under penalty of perjury that the applicant's representations are true and correct. Applicants will also be required to certify under penalty of perjury that that they only receive one Lifeline-supported service per household. Penalties for perjury will be clearly-stated on the certification form, as required by the Order. PlatinumTel will use substantially the following form of its certification, printed in at least 10 point font. PlatinumTel will also ensure the customer acknowledgements reflect any state-specific disclosures as required by each state, in addition to the standard disclosures. PlatinumTel will require applicants to initial each of the following acknowledgements:

I certify under penalty of perjury to each of the following (*initial each box*):

³⁵ Id. at ¶403.

³⁶ Id. at ¶168.

³⁷ Id. at ¶101.

- 1)** The information contained in my application remains true and correct to the best of my knowledge and I acknowledge that willfully providing false or fraudulent information to receive Lifeline benefits is punishable by law and may result in me being barred from the program.
- 2)** I meet the eligibility requirements of the program(s) checked above, or have an annual household income at or below 135% of the Federal Poverty Guidelines.
- 3)** I am not listed as a dependent on another person's tax return (unless over the age of 60).
- 4)** I have provided documentation of eligibility.
- 5)** I understand that I and my household can only have one Lifeline-supported telephone service. Care Wireless has explained the one-per-household requirement. I understand that violation of the one-per-household requirement constitutes a violation of the FCC's rules and will result in my de-enrollment from the Lifeline program, and could result in criminal prosecution by the United States Government.
- 6)** I attest to the best of my knowledge, that I and no one in my household is receiving a Lifeline-supported service from any other land line or wireless company such as Safelink, Assurance, or Reachout Wireless.
- 7)** I understand that my Care Wireless Lifeline service is non-transferable. I may not transfer my service to any individual, including another eligible low-income consumer.
- 8)** I understand that if my service goes unused for sixty (60) days, my service will be suspended, subject to a thirty (30) day period during which I may use the service or contact Care Wireless to confirm that I want to continue receiving service.
- 9)** I will notify Care Wireless within thirty (30) days if I no longer qualify for Lifeline. I understand this requirement and may be subject to penalties if I fail to notify my phone company. Specifically, I will notify Care Wireless if: a) I cease to participate in the above federal or state program, or my annual household income exceeds 135% of the Federal Poverty Guidelines; b) I am receiving more than one Lifeline supported service; c) I no longer satisfy the criteria for receiving Lifeline support.
- 10)** I will notify Care Wireless within thirty (30) days of moving. Additionally, if my address listed above is a temporary address, I understand that I must verify my address with Care Wireless every ninety (90) days. If I fail to respond to Care Wireless' verification attempts within thirty (30) days, my Care Wireless Lifeline service may be terminated.
- 11)** Care Wireless has explained to me that I may be required to re-certify my continued eligibility for Lifeline at any time. If I fail to do so within thirty (30) days, it will result in termination of my Care Wireless Lifeline service.

12) I understand, and consent to the fact that my name, telephone number, address, date of birth, last four digits of my social security number, dates of service initiation and/or termination, and qualifying basis for Lifeline service will be provided to the Universal Service Administrative Company, the administrator of the Lifeline program, and/or its agents, for the purpose of verifying that I do not receive more than one Lifeline benefit.

13) I authorize Care Wireless to access any records required to verify my statements on this form and to confirm my eligibility. I give permission to the duly authorized official(s) administering the above programs to provide to Care Wireless my participation status in any of the above program(s). I give this permission on the condition that the information in this Application and any information about my participation in the above programs provided by officials be maintained by Care Wireless as confidential customer account information.

Penalty of Perjury

Under Title 18 U.S.C. §1621, whoever will state as true any material matter which he does not believe to be true in a statement under penalty of perjury, is guilty of perjury and shall, except as otherwise expressly provided by law, be fined or imprisoned not more than five years, or both.

BY LAW THE LIFELINE PROGRAM IS ONLY AVAILABLE FOR ONE PHONE PER HOUSEHOLD, WHETHER LANDLINE OR WIRELESS, NO EXCEPTIONS

In order to further the Commission's goal of eliminating waste, fraud, and abuse, PlatinumTel takes multiple steps to eliminate duplicate enrollments, and fraudulent applications. Applications entered from all channels go into PlatinumTel's database and go through the following checks to validate that the application should be processed:

1. Address is sanitized and validated using the United States Postal Service ("USPS") Address Matching System ("AMS");
2. Address is checked in PlatinumTel's database against:
 - a. Flagged addresses that are known to be fraudulent and/or known not to be eligible;
 - b. Existing enrollments for duplicate addresses (pending and approved);
3. Customer's full name and last four (4) digits of their social security number are compared in the database against existing and flagged enrollments. PlatinumTel uses multiple search methods to compare the data to include nicknames and abbreviations of names;

NOTE: When available, PlatinumTel will submit the applicant's information to a state database and/or the National Lifeline Accountability Database to determine the applicant's eligibility.

4. Customer's proof of benefits are compared with the information submitted on the application to confirm a match. Once the proof document has been reviewed and recorded in the database, the physical document is destroyed. PlatinumTel records the type of document submitted, associated program, date on the document, the date the document is submitted, and the username of the associate responsible for review of the document, all of which is stored in the PlatinumTel database.
5. Customer is informed of all of the terms and disclosures they are required to accept in order to proceed.

Upon acceptance of the disclosures and terms, the application is submitted for approval and processing. All customer acknowledgements are stored in the database as part of the customer's enrollment record.

The *Lifeline and Link Up Reform and Modernization Order* described the initial and annual verification procedures at paragraphs 120-148 and in Appendix C. Since beginning to offer Lifeline service in Illinois, PlatinumTel has required every consumer enrolled in the Lifeline program to verify on an annual basis that (1) he or she receives Lifeline-supported service only from PlatinumTel; (2) to the best of his or her knowledge, no one else in the subscriber's household is receiving a Lifeline-supported service³⁸; (3) the customer is still eligible to receive Lifeline benefits; and (4) the customer's information remains true and correct, and that if any of their information has changed, they will contact PlatinumTel to make the changes. Any customer that is found to not comply with the rules or that fails to respond to the annual recertification process will be de-enrolled.³⁹

³⁸ *Id.* at ¶120.

³⁹ *Id.* at ¶122.

PlatinumTel will notify each participating Lifeline consumer sixty (60) days prior to the recertification deadline that they must confirm their continued eligibility in accordance with the applicable requirements. Such verifications will be required in order for the consumer to continue to receive free Lifeline service or to purchase prepaid airtime from PlatinumTel at the discounted rate only available to those customers who are enrolled in its Lifeline program. Customers are notified multiple times over the sixty (60) day period via a robocall system, SMS messages, emails (if available), and letters via USPS. PlatinumTel also keeps customers aware that annual re-verification is required by regularly reminding customers via posting on www.carewireless.com, when customers contact the enrollment center, when customers contact customer service, and via social networks like Facebook, Twitter and Pinterest. PlatinumTel provides multiple methods for customers to process their annual re-verification, including calling into the IVR, speaking with an enrollment representative, or online at carewireless.com. The notice will explain the actions the customer must take to retain Lifeline benefits, when Lifeline benefits may be terminated, and how to contact PlatinumTel to complete verification. If the customer does not respond by the sixtieth day, a termination letter is sent to the customer. Customers will have 30 days following the date of the termination letter to complete the form, certify under penalty of perjury that no one else in the household receives Lifeline service from another carrier and return the form to PlatinumTel by mail. If the subscriber does not respond within 30 days to the mailing and certify their continued eligibility, the subscriber will be removed from the Lifeline program within 5 days.

PlatinumTel will submit an annual certification to the USAC, signed by a Company officer under penalty of perjury, that PlatinumTel: (1) has policies and procedures in place to review consumer's proof of eligibility documentation and ensure that its Lifeline subscribers are

eligible to receive Lifeline services;⁴⁰ (2) is in compliance with all federal Lifeline certification procedures;⁴¹ and (3) has obtained a valid application/certification form for each subscriber for whom PlatinumTel seeks Lifeline reimbursement.⁴² Pursuant to the new rules, PlatinumTel will re-certify the eligibility of its Lifeline subscriber base as of June 1, 2012 by the end of 2012 and report the results to USAC by January 31, 2013.⁴³ Where ongoing eligibility cannot be determined through access to a qualifying database either by the Company or the state, and there is no state administrator verifying the continued eligibility of Lifeline subscribers, the Company will re-certify the continued eligibility of all of its subscribers by contacting them, either in person, in writing, by phone (e.g., via IVR (Interactive Voice Response) System), by text message, by email, or otherwise through the Internet—to confirm their continued eligibility.⁴⁴ In states where a state agency or a third party has implemented a database that carriers may query to re-certify the consumer’s continued eligibility, the Company (or state agency or third-party, where applicable) will instead query the database and maintain a record of what specific data was used to re-certify eligibility and the date of re-certification.⁴⁵ The notice will explain the actions the customer must take to retain Lifeline benefits, when Lifeline benefits may be terminated, and how to contact PlatinumTel.

PlatinumTel will provide the results of its annual recertifications/verifications to the Commission, the USAC, and to the applicable state public utility commissions.⁴⁶ PlatinumTel will annually report its Company name, names of its holding company, operating companies and affiliates, and any branding (such as a “d/b/a” or brand designation) as well as relevant universal

⁴⁰ *Id.* at ¶126; 47 USC 54.416(a)(1).

⁴¹ *Lifeline and Link Up Reform and Modernization Order* at ¶126; 47 USC 54.54.416(a)(2).

⁴² 47 USC 54.416(a)(3).

⁴³ *Lifeline and Link Up Reform and Modernization Order* at Appendix C.

⁴⁴ *See Id.*

⁴⁵ *Id.* at ¶131.

⁴⁶ *Id.* at ¶¶132-148; 47 USC 54.416(b).

service identifies for each entity by Study Area Code.⁴⁷ PlatinumTel will also report annually information regarding the terms and conditions of its Lifeline plans for voice telephony service offered specifically for low income consumers during the previous year, including the number of minutes provided and whether there are additional charges to the consumer for service, including minutes of use and/or toll calls.⁴⁸ Finally, PlatinumTel will annually provide detailed information regarding service outages in the previous year, the number of complaints received and certification of compliance with applicable service quality standards and consumer protection rules, as well as a certification that PlatinumTel is able to function in emergency situations.⁴⁹

IV. De-Enrollment

PlatinumTel will comply with the FCC's rules for de-enrollment.⁵⁰ Pursuant to the FCC's rules PlatinumTel will de-enroll a Lifeline customer if it has a reasonable basis to believe that the subscriber no longer qualifies for the Lifeline program.⁵¹ In such a case PlatinumTel will inform its subscriber in writing separate from the subscriber's monthly bill, if one is provided, and in clear, easily understood language.⁵² PlatinumTel will allow a subscriber 30 days following the date of the impending termination letter to demonstrate continued eligibility, and will terminate any subscriber who fails to demonstrate continued eligibility within the 30-day time period.⁵³

⁴⁷ *Lifeline and Link Up Reform and Modernization Order* at ¶¶296, 390; 47 USC 54.422(a).

⁴⁸ *Lifeline and Link Up Reform and Modernization Order* at ¶390; 47 USC 54.422(b)(5).

⁴⁹ *Lifeline and Link Up Reform and Modernization Order* at ¶389; 47 USC 54.422(b)(1)-(4).

⁵⁰ See 47 C.F.R. §54.405(e).

⁵¹ *Id.* at §54.405(e)(1).

⁵² *Id.*

⁵³ *Id.*

PlatinumTel will de-enroll a subscriber for duplicative support.⁵⁴ PlatinumTel will de-enroll a subscriber within five business days of determining that a subscriber is either receiving Lifeline service from another ETC or more than one member of a subscriber's household is receiving Lifeline service.⁵⁵ To supplement its verification and certification procedures, and to better ensure that customers understand the Lifeline service restrictions with respect to duplicates, PlatinumTel has implemented measures and procedures to prevent duplicate Lifeline benefits being awarded to the same household. These measures entail additional emphasis in written disclosures as well as live due diligence.

- a) Call Center Scripts – PlatinumTel will emphasize the “one Lifeline phone per household” restriction through its interaction with the potential customer at the call center. (see Exhibit C to PlatinumTel’s September 14, 2012 Revised Compliance Plan, attached hereto)
- b) Marketing, Advertising and Website Content – PlatinumTel, in its marketing materials, will reinforce the limitation of one Lifeline phone per household. The following statement will appear in conspicuous place in bold font in an offsetting color, minimum 10 point font, to ensure it is not overlooked. (see Exhibits D-1 & D-2 to PlatinumTel’s September 14, 2012 Revised Compliance Plan, attached hereto)

Note: By law, the Lifeline program is only available for one phone per household.

This statement will also appear on the company’s website (www.carewireless.com) during the customer information/education cycle. At the point on its website when a customer inputs his/her zip code to verify that Care Wireless/PlatinumTel offers service in their area, PlatinumTel would display the above message in the section where the website explains the service.

Throughout all advertising and marketing material, (1) PlatinumTel clearly identifies the service as a “Lifeline Product”; (2) that By law, the lifeline program is only available for one phone per household; and (3) that customers are required to provide documents demonstrating proof of eligibility (when a state database is not available).

⁵⁴ See Id. at §54.405(e)(2).

⁵⁵ Id.

PlatinumTel will de-enroll a subscriber for non-usage.⁵⁶ PlatinumTel will implement a non-usage policy whereby we will identify Lifeline customers that have not used the Company's Lifeline service for sixty (60) days, and cease to claim Lifeline reimbursements for such customers if they do not use their service within a 30-day grace period following the initial 60-day non-usage period. PlatinumTel has implemented an automated notification system which monitors Lifeline customer usage and automatically sends a text message to customers when there is sixty (60) days of non-usage. Customers receive the following message, "FREE NOTICE: YOUR LIFELINE ACCOUNT MAY BE DISCONNECTED DUE TO NON-USAGE FOR 60 DAYS. UNUSED SERVICE FOR 60 DAYS WILL RESULT IN DE-ENROLLMENT. CALL 855-711-2222" Specifically, if no usage appears on a PlatinumTel Lifeline customer's account during any continuous sixty (60) day period, PlatinumTel will promptly notify the customer that the customer is no longer eligible for PlatinumTel Lifeline service subject to a 30-day grace period. During the 30-day grace period, the customer's account will remain active, but PlatinumTel will engage in outreach efforts to determine whether the customer desires to remain on the Company's Lifeline service. If the customer's account does not show any customer-specific activity during the grace period (such as making or receiving a voice call, sending a text message and/or adding money to the account), PlatinumTel will deactivate Lifeline services for that customer. In addition, PlatinumTel will not seek to recover a Federal Universal Service Fund subsidy for the minutes provided to the customer during the grace period or thereafter report that customer on its USAC Form 497 unless the customer reinitiates service.

PlatinumTel will de-enroll a subscriber for failure to re-certify.⁵⁷ A Lifeline subscriber who does not respond to PlatinumTel's attempts to obtain re-certification of the subscriber's

⁵⁶ See Id. at §54.405(e)(3).

⁵⁷ See Id. at §54.405(e)(4).

continued eligibility as required by § 54.410(f) or who fails to provide the annual one-per-household re-certifications as required by § 54.410(f) or who relies on a temporary address and fails to respond to the carrier's address re-certification attempts pursuant to § 54.410(g) will be notified in writing that failure to respond to the re-certification request within 30 days of the date of the request will trigger de-enrollment.⁵⁸ If a subscriber does not respond to PlatinumTel's notice of impending de-enrollment, it will de-enroll the subscriber from Lifeline within five business days after the expiration of the subscriber's time to respond to the re-certification efforts.

V. Anti-Drug Abuse Certification

PlatinumTel certifies that no party to this Petition is subject to denial of federal benefits, including FCC benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.

VI. Conclusion

As discussed above, designation of PlatinumTel as an ETC in the Designated Service Area accords with the requirements of Section 214(e)(6) of the Act and is in the public interest. For all of the foregoing reasons, PlatinumTel respectfully requests that the Commission designate PlatinumTel as an ETC in each of the states comprising the Designated Service Area.

Dated: September 24, 2012

Respectfully submitted,

s/ Thomas H. Rowland
Thomas H. Rowland
Kevin D. Rhoda
Rowland & Moore LLP
200 West Superior Street
Suite 400
Chicago, Illinois 60654

⁵⁸ Id.

tom@telecomreg.com
krhoda@telecomreg.com
(312) 803-1000

Counsel for PlatinumTel Communications, LLC

List of Exhibits

- | | |
|-----------|--|
| Exhibit 1 | PlatinumTel September 14, 2012 Revised Compliance Plan |
| Exhibit 2 | State PUC Jurisdictional Statements |

Exhibit 1

PlatinumTel Revised Compliance Plan (September 14, 2012)

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of the)	
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
Telecommunications Carriers Eligible for)	WC Docket No. 09-197
Universal Service Support)	
)	
PlatinumTel Communications LLC Petition)	
for Forbearance from 47 U.S.C. § 214(e)(1)(A))	

PLATINUMTEL COMMUNICATIONS LLC'S REVISED COMPLIANCE PLAN

Thomas H. Rowland
Kevin D. Rhoda
Rowland & Moore LLP
200 West Superior Street
Suite 400
Chicago, Illinois 60654
(312) 803-1000

Counsel for PlatinumTel Communications, LLC

Dated: September 14, 2012

Table of Contents

I.	Introduction.....	2
A.	Company Background.....	2
B.	PlatinumTel Forbearance Order.....	2
II.	PlatinumTel will provide Lifeline ETC services pursuant to the conditions contained in the PlatinumTel Forbearance Order and the Commission’s Lifeline and Link Up Reform and Modernization Order.....	5
A.	PlatinumTel Commits to Provide Access to 911 and E911 Services.....	5
B.	E911-Compliant Handsets.....	5
C.	PlatinumTel will Comply with the Obligations Related to the Commission’s Forbearance of the Own Facilities Requirement.....	6
1.	Enrollment Procedures.....	6
2.	Procedures for Submitting for Reimbursement from USAC.....	12
3.	Ongoing Verification.....	13
III.	Additional Measures to Prevent Waste, Fraud, and Abuse.....	16
A.	Non-usage Policy.....	16
B.	Customer Education with Respect to Duplicates.....	17
C.	Cooperation with state and federal regulators.....	19
D.	Sample Marketing Materials.....	20
IV.	Description of how PlatinumTel will Offer Service.....	20
A.	Geographic Area of PlatinumTel’s Service.....	23
B.	Description of Lifeline Service Plan Offerings.....	23
C.	Other Certifications Required by 47 C.F.R. § 54.202.....	24
V.	PlatinumTel has the Financial and Technical Ability to Provide Lifeline Supported Services.....	25
VI.	PlatinumTel will Comply with the Commission’s Reporting Requirements.....	26
VII.	PlatinumTel will Comply with the Commission’s Recordkeeping Requirements.....	26
VIII.	Conclusion.....	27

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of the)	
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
Telecommunications Carriers Eligible for)	WC Docket No. 09-197
Universal Service Support)	
)	
PlatinumTel Communications LLC Petition)	
for Forbearance from 47 U.S.C. § 214(e)(1)(A))	

PLATINUMTEL COMMUNICATIONS LLC’S REVISED COMPLIANCE PLAN

PlatinumTel Communications, LLC (“PlatinumTel” or “Company”), by its attorney, hereby files this Revised Compliance Plan outlining the measures it will take to implement the conditions imposed by the Federal Communications Commission (“FCC” or “Commission”) in its recent Orders released on September 23, 2011¹ and on February 6, 2012² in the above-captioned proceeding.³

PlatinumTel has incorporated in its marketing materials for its Lifeline services, in clear, easily understood language, the various disclosures required by 47 C.F.R. § 54.405. PlatinumTel has attached its marketing materials incorporating these disclosures. PlatinumTel concurs with the Commission’s policy to minimize waste, fraud and abuse of Lifeline benefits. Accordingly, PlatinumTel has implemented procedures intended to prevent duplicate Lifeline benefits from being awarded to the same household or individual. These measures include practices intended

¹ *In the Matter of PlatinumTel LLC Petition for Forbearance*, Order, FCC 11-139, (released September 23, 2011) (“*Forbearance Order*”).

² *In the Matter of Lifeline and Link Up Reform and Modernization; Lifeline and Link Up; Federal-State Joint Board on Universal Service; Advancing Broadband Availability Through Digital Literacy Training*, Report and Order and Further Notice of Proposed Rulemaking (February 6, 2012) (“*Lifeline and Link Up Reform and Modernization Order*”).

³ This Revised Compliance Plan is intended to replace the earlier versions filed by PlatinumTel on November 8, 2011 and on April 23, 2012.

to: (1) prevent duplicates within PlatinumTel’s subscriber base; (2) avoid reimbursement for any subscriber until the subscriber activates service; (3) cease reimbursement for subscribers who fail to use the service for a 60-day period; (4) ensure that only qualifying individuals demonstrating proof of eligibility are enrolled to receive Lifeline service; and (5) ensure that PlatinumTel provides only one Lifeline service per household. As indicted below, PlatinumTel’s practices and procedures comply with the Commission’s applicable Lifeline regulations and orders, and PlatinumTel commits to continuing these practices going forward. PlatinumTel respectfully requests expeditious approval of its pending Petition for Designation as an Eligible Telecommunications Carrier and this Amended Compliance Plan.

I. Introduction

A. Company Background

PlatinumTel Communications, LLC (“PlatinumTel”) has been providing prepaid wireless telecommunications services to low income consumers throughout the United States since 2001, making it one of the earliest pioneers in prepaid wireless. Today the Company serves customers in 48 states. In 2009 PlatinumTel was certified as an ETC in Illinois. PlatinumTel operates through a combination of resale throughout its service area as well as facilities that it owns in Illinois. In Illinois, PlatinumTel currently provides Lifeline services under the service name Care Wireless.⁴

B. PlatinumTel Forbearance Order

The Commission’s *Forbearance Order* conditionally granted PlatinumTel’s request for forbearance from the Section 214(e)(1)(A) requirement that a carrier designated as an ETC for purposes of federal universal service support provide services, at least in part, over its own

⁴ PlatinumTel will follow the requirements of the Commission’s Lifeline rules and this Compliance Plan in all states in which it provides Lifeline service and receives reimbursements from the federal Low-Income fund.

facilities, stating PlatinumTel may seek ETC designation to offer discounted services to qualified low-income consumers through the universal service Lifeline program.⁵

The Commission's grant of forbearance is subject to the following conditions: (a) PlatinumTel providing its Lifeline customers with 911 and Enhanced 911 (E911) access regardless of activation status and availability of prepaid minutes; (b) PlatinumTel providing its Lifeline customers with E911-compliant handsets and replacing, at no additional charge to the customer, noncompliant handsets of existing customers who obtain Lifeline-supported service; (c) PlatinumTel complying with conditions (a) and (b) as of the date it provides Lifeline service; and (d) PlatinumTel obtaining a certification from each PSAP where the carrier seeks to provide Lifeline service confirming that the carrier provides its customers with 911 and E911 access or self-certifying that it does so if certain conditions are met⁶; (e) PlatinumTel requiring each customer to self-certify under penalty of perjury at the time of enrollment and annually thereafter until a national duplicates database is in place that he or she is the head of household and receives Lifeline-supported service only from PlatinumTel and does not receive Lifeline-supported service from any other provider; (f) PlatinumTel requiring each eligible Lifeline consumer at the time of enrollment to initial on the certification form that to the best of his or her knowledge he or she is not receiving Lifeline service from any other Lifeline provider and listing as examples the brand names of at least the leading wireline and leading two wireless Lifeline providers in the area to ensure the customer understands what is meant by Lifeline-supported service; (g) PlatinumTel making available state-specific subscriber data, including name and address of Lifeline subscribers, to USAC and each state PUC where it operates to determine

⁵*Forbearance Order* at ¶1.

⁶ This obligation was revised in the Commission's *Lifeline and Link Up Reform and Modernization Order* at paragraphs 375 and 383. PlatinumTel agrees to abide by any state-specific obligations to obtain either a certification from each PSAP where it plans to offer service, or a self-certification, confirming that it provides its subscribers with 911 and E911 access.

whether an existing Lifeline subscriber receives Lifeline service from another carrier; (h) assisting the Commission, USAC, state commissions and other ETCs in resolving instances of duplicative enrollment by Lifeline subscribers, including providing upon request, the necessary information to detect and resolve duplicative Lifeline claims; (i) PlatinumTel establishing safeguards to prevent its customers from receiving multiple Lifeline subsidies at the same address and preventing individual subscribers from receiving more than one Lifeline discount; (j) PlatinumTel implementing a non-usage policy, if applicable, in states where PlatinumTel provides service at no monthly charge, requiring PlatinumTel to identify subscribers that have not used Lifeline service for 60 days and not seek support for such subscribers if they do not use the Lifeline service during a 30 day grace period; (k) PlatinumTel dealing directly with the customer to certify and verify the customer's Lifeline eligibility; (l) PlatinumTel explaining in prominent, plain, easily comprehensible language to all existing and new or potential subscribers that no consumer is permitted to receive more than one Lifeline subsidy; (m) PlatinumTel ensuring that all marketing materials for the service make clear that it is a Lifeline-supported service; (n) PlatinumTel immediately de-enrolling any subscriber who PlatinumTel knows is receiving Lifeline-supported service from another ETC or knows is no longer eligible; and (o) PlatinumTel providing a detailed description of its various Lifeline plans, including rates, number of minutes included and types of plans available.⁷ The Commission required PlatinumTel to submit a plan describing the measures it would take to implement each one of these conditions within 30 days of the release of the Order.⁸

⁷ See *Forbearance Order* at ¶¶ 11, 17.

⁸ See *Id.* at ¶¶ 17.

II. PlatinumTel will provide Lifeline ETC services pursuant to the conditions contained in the PlatinumTel Forbearance Order and the Commission’s Lifeline and Link Up Reform and Modernization Order.

A. PlatinumTel Commits to Provide Access to 911 and E911 Services.

PlatinumTel will provide all of its Lifeline subscribers with access to emergency calling services at the time the Lifeline service is initiated. Such 911 and E911 access will be available from PlatinumTel handsets regardless of the status of the subscriber account or the airtime balance associated with the handset. The Company’s current practice provides access to 911 and E911 service to the extent that these services have been deployed by its underlying carrier, Sprint Nextel Corporation (“Sprint”). Under current practice, access to such emergency services is still made available to subscribers whether their account is active, suspended, terminated, or has reached the minimum required airtime balance.

Paragraphs 373-75 of the *Lifeline and Link Up Reform and Modernization Order* provided further guidance regarding access to 911 and E911 services. PlatinumTel further agrees to abide by any state-specific obligations to obtain either a certification from each PSAP where it plans to offer service, or a self-certification, confirming that it provides its subscribers with 911 and E911 access.⁹

B. E911-Compliant Handsets

PlatinumTel will ensure that all handsets shipped to Lifeline service subscribers will be E911-compliant. The Company’s current lineup of mobile devices are all 911 and E911-Complaint. PlatinumTel will provide all of its Lifeline subscribers with 911 and E911 access from PlatinumTel handsets regardless of the status of the subscriber account or the airtime

⁹ *Lifeline and Link Up Reform and Modernization Order* at ¶¶375, 383. PlatinumTel will obtain such certifications based on individual state-specific obligations.

balance associated with the handset.¹⁰ In the event that an existing subscriber has a noncompliant handset, the Company will immediately replace such device with an E911-Compliant handset at no additional charge to the subscriber.

C. PlatinumTel will Comply with the Obligations Related to the Commission’s Forbearance of the Own Facilities Requirement.

Paragraph 379 of the *Lifeline and Link Up Reform and Modernization Order* contains obligations related to the FCC’s blanket forbearance of the “own facilities” requirement for Lifeline-only ETCs and the implementation of the terms and conditions of the Order.¹¹

1. Enrollment Procedures

PlatinumTel will implement certification procedures that enable consumers to demonstrate their eligibility for Lifeline assistance by contacting PlatinumTel in person or via telephone, facsimile, or the Internet. Consumers will be provided with printed information describing PlatinumTel’s Lifeline program, including eligibility requirements, and with instructions for enrolling. Consumers will be signed up in person or directed, via company literature, collateral or advertising, to a toll-free telephone number and to PlatinumTel’s website, which will contain a link to information regarding the Company’s Lifeline service plan, including a detailed description of the program and state-specific eligibility criteria. Applicants are required to provide PlatinumTel with documents demonstrating their eligibility based on the qualifying program they selected.

¹⁰ See *Lifeline and Link Up Reform and Modernization Order* at ¶373.

¹¹ PlatinumTel is a facilities-based wireless carrier in Illinois, where it maintains its own switches and routers for handling voice telephony services. However, given that the *Lifeline and Link Up Reform and Modernization Order* alters the obligation for facilities on a prospective basis, PlatinumTel requests that the FCC’s forbearance authority (if it did not do so already) include PlatinumTel’s operation in Illinois, in addition to operations in all other states in which it does business.

PlatinumTel’s application form for its Care Wireless service will clearly identify that it is a “Lifeline” application. PlatinumTel will have direct contact with all customers applying for Lifeline service, either in person through its employees or authorized locations, via the company’s website, via the telephone (including facsimile) or mail. PlatinumTel will provide Lifeline-specific training to all personnel, whether employees or authorized locations, that interact with actual or prospective consumers with respect to obtaining, changing or terminating its Lifeline services. PlatinumTel will ensure that all required documentation is taken care of properly by using state-specific compliance checklists. For states with program-based eligibility criteria, the form will list each of the qualifying programs, and the applicant will be required to identify the program(s) in which they participate.

The applicant will also be required to authorize Care Wireless to transmit subscriber information required for the administration of the Lifeline credit program, including to USAC to be used in a Lifeline program database.¹²

Pursuant to the *Lifeline and Link Up Reform and Modernization Order* PlatinumTel’s certification form will also “explain in plain, easily comprehensible language that: (1) Lifeline is a federal benefit; (2) Lifeline service is available for only one line per household; (3) a household is defined, for purposes of the Lifeline program, as any individual or group of individuals who live together at the same address and share income and expenses; and (4) a household is not permitted to receive Lifeline benefits from multiple providers”.¹³

Upon enrollment, PlatinumTel will inform consumers about the annual re-certification requirement on the certification form.¹⁴ Applicants will also be required to initial a number of disclosure statements intended to ensure that the applicant understands applicable eligibility

¹² See Section 54.404(b)(9).

¹³ *Lifeline and Link Up Reform and Modernization Order* at ¶121.

¹⁴ See Id. at ¶145.

requirements—including a statement to the effect that to the best of his or her knowledge, the applicant is not receiving Lifeline-supported service from any other Lifeline provider. Penalties for perjury will be clearly-stated on the certification form. The certification form will also contain language stating that violation of the one-per-household requirement constitutes a violation of the Commission’s rules and will result in the consumer’s de-enrollment from the program, and could result in criminal prosecution by the United States government.¹⁵

In accordance with the *Lifeline and Link Up Reform and Modernization Order*, PlatinumTel will obtain the consumer’s residential address (post office boxes and general delivery mailboxes are not accepted), which the consumer must indicate is his or her permanent address, temporary address, or a multi-household residence, and a billing address for the service (if the consumer’s billing address differs from his or her residential address).¹⁶ A consumer who lacks a permanent residential address must provide a temporary residential service address or other address identifying information that could be used to perform a check for duplicative support. For applicants that use a temporary address, the applicant will be required to verify every 90 days that the subscriber continues to rely on that address.¹⁷ If the applicant does not respond to address verification attempts within 30 days, the subscriber will be de-enrolled from Lifeline service.¹⁸ The application form will also clearly state that Lifeline participants must provide their new address to the Company within 30 days of moving¹⁹ or they will be de-enrolled from the Lifeline program. Applicants who select “Multi-Household” are required to complete

¹⁵ Id. at ¶121.

¹⁶ Id. at ¶85.

¹⁷ See 47 CFR 54.410(d)(3)(iv). See also 47 CFR 54.410(g), a requirement that is not yet effective. Notice of Office of Management and Budget Action dated April 13, 2012 (“Information collection request updated to remove the following information collections from this request: the temporary address confirmation and recertification (47 C.F.R. § 54.410(g) and the portion of 47 C.F.R. § 54.405(e)(4) relating to temporary address de-enrollment) and the biennial audit requirement (47 C.F.R. § 54.420(a)). FCC may re-submit these removed collections for OMB review at a later date after further consideration.”)

¹⁸ *Lifeline and Link Up Reform and Modernization Order* at Appendix C.

¹⁹ Id. at ¶¶85, 117.

the “Lifeline Household Worksheet” (see Exhibit A) as defined by the Universal Service Administrative Corporation (“USAC”) to demonstrate whether there is a single or multiple households at the address provided. PlatinumTel further agrees to comply with all other updated Commission enrollment rules.²⁰

The *Lifeline and Link Up Reform and Modernization Order* confirmed that the Commission will transition to a governmental database in order to confirm the initial and continued eligibility of a lifeline customer. The Order stated:

As explained above, we conclude that establishing a fully automated means for verifying consumers’ initial and ongoing Lifeline eligibility from governmental data sources would both improve the accuracy of eligibility determinations and ensure that only eligible consumers receive Lifeline benefits, and reduce burdens on consumers as well as ETCs. . . . We therefore direct the Bureau and USAC to take all necessary actions so that, as soon as possible and no later than the end of 2013, there will be an automated means to determine Lifeline eligibility for, at a minimum, the three most common programs through which consumers qualify for Lifeline.²¹

However, until the database is operational, PlatinumTel will continue to abide by its established enrollment procedures.

PlatinumTel will accept electronic signatures that meet the requirements of the Electronic Signatures in Global and National Commerce Act, 15 USC 7001-7006, and any applicable state laws.²² Pursuant to the *Lifeline and Link Up Reform and Modernization Order*, PlatinumTel will not retain copies of proof documentation, but rather will maintain accurate records detailing how the consumer demonstrated his or her eligibility.²³

PlatinumTel’s Lifeline application form (Exhibit B) includes a certification section where the applicant must attest and sign under penalty of perjury that the applicant’s representations are

²⁰ See *Id.* at ¶60 and Appendix C.

²¹ *Id.* at ¶403.

²² *Id.* at ¶168.

²³ *Id.* at ¶101.

true and correct. Applicants will also be required to certify under penalty of perjury that that they only receive one Lifeline-supported service per household. Penalties for perjury will be clearly-stated on the certification form, as required by the Order. PlatinumTel will use substantially the following form of its certification, printed in at least 10 point font. PlatinumTel will also ensure the customer acknowledgements reflect any state-specific disclosures as required by each state, in addition to the standard disclosures. PlatinumTel will require applicants to initial each of the following acknowledgements:

I certify under penalty of perjury to each of the following (*initial each box*):

- 1) The information contained in my application remains true and correct to the best of my knowledge and I acknowledge that willfully providing false or fraudulent information to receive Lifeline benefits is punishable by law and may result in me being barred from the program.
- 2) I meet the eligibility requirements of the program(s) checked above, or have an annual household income at or below 135% of the Federal Poverty Guidelines.
- 3) I am not listed as a dependent on another person's tax return (unless over the age of 60).
- 4) I have provided documentation of eligibility.
- 5) I understand that I and my household can only have one Lifeline-supported telephone service. Care Wireless has explained the one-per-household requirement. I understand that violation of the one-per-household requirement constitutes a violation of the FCC's rules and will result in my de-enrollment from the Lifeline program, and could result in criminal prosecution by the United States Government.
- 6) I attest to the best of my knowledge, that I and no one in my household is receiving a Lifeline-supported service from any other land line or wireless company such as Safelink, Assurance, or Reachout Wireless.
- 7) I understand that my Care Wireless Lifeline service is non-transferable. I may not transfer my service to any individual, including another eligible low-income consumer.

8) I understand that if my service goes unused for sixty (60) days, my service will be suspended, subject to a thirty (30) day period during which I may use the service or contact Care Wireless to confirm that I want to continue receiving service.

9) I will notify Care Wireless within thirty (30) days if I no longer qualify for Lifeline. I understand this requirement and may be subject to penalties if I fail to notify my phone company. Specifically, I will notify Care Wireless if: a) I cease to participate in the above federal or state program, or my annual household income exceeds 135% of the Federal Poverty Guidelines; b) I am receiving more than one Lifeline supported service; c) I no longer satisfy the criteria for receiving Lifeline support.

10) I will notify Care Wireless within thirty (30) days of moving. Additionally, if my address listed above is a temporary address, I understand that I must verify my address with Care Wireless every ninety (90) days. If I fail to respond to Care Wireless' verification attempts within thirty (30) days, my Care Wireless Lifeline service may be terminated.

11) Care Wireless has explained to me that I may be required to re-certify my continued eligibility for Lifeline at any time. If I fail to do so within thirty (30) days, it will result in termination of my Care Wireless Lifeline service.

12) I understand, and consent to the fact that my name, telephone number, address, date of birth, last four digits of my social security number, dates of service initiation and/or termination, and qualifying basis for Lifeline service will be provided to the Universal Service Administrative Company, the administrator of the Lifeline program, and/or its agents, for the purpose of verifying that I do not receive more than one Lifeline benefit.

13) I authorize Care Wireless to access any records required to verify my statements on this form and to confirm my eligibility. I give permission to the duly authorized official(s) administering the above programs to provide to Care Wireless my participation status in any of the above program(s). I give this permission on the condition that the information in this Application and any information about my participation in the above programs provided by officials be maintained by Care Wireless as confidential customer account information.

Penalty of Perjury

Under Title 18 U.S.C. §1621, whoever will state as true any material matter which he does not believe to be true in a statement under penalty of perjury, is guilty of perjury and shall, except as otherwise expressly provided by law, be fined or imprisoned not more than five years, or both.

BY LAW THE LIFELINE PROGRAM IS ONLY AVAILABLE FOR ONE PHONE PER HOUSEHOLD, WHETHER LANDLINE OR WIRELESS, NO EXCEPTIONS

In order to further the Commission's goal of eliminating waste, fraud, and abuse, PlatinumTel takes multiple steps to eliminate duplicate enrollments, and fraudulent applications.

Applications entered from all channels go into PlatinumTel's database and go through the following checks to validate that the application should be processed:

1. Address is sanitized and validated using the United States Postal Service ("USPS") Address Matching System ("AMS");
2. Address is checked in PlatinumTel's database against:
 - a. Flagged addresses that are known to be fraudulent and/or known not to be eligible;
 - b. Existing enrollments for duplicate addresses (pending and approved);
3. Customer's full name and last four (4) digits of their social security number are compared in the database against existing and flagged enrollments. PlatinumTel uses multiple search methods to compare the data to include nicknames and abbreviations of names;

NOTE: When available, PlatinumTel will submit the applicant's information to a state database and/or the National Lifeline Accountability Database to determine the applicant's eligibility.

4. Customer's proof of benefits are compared with the information submitted on the application to confirm a match. Once the proof document has been reviewed and recorded in the database, the physical document is destroyed. PlatinumTel records the type of document submitted, associated program, date on the document, the date the document is submitted, and the username of the associate responsible for review of the document, all of which is stored in the PlatinumTel database.
5. Customer is informed of all of the terms and disclosures they are required to accept in order to proceed.
6. Upon acceptance of the disclosures and terms, the application is submitted for approval and processing. All customer acknowledgements are stored in the database as part of the customer's enrollment record.

2. Procedures for Submitting for Reimbursement from USAC

PlatinumTel agrees to comply with all certification requirements contained in the *Lifeline and Link Up Reform and Modernization Order* and outlined in 47 CFR 54.407 when submitting for reimbursements from USAC.²⁴ As part of each reimbursement request PlatinumTel will certify that it is in compliance with all of the Commission's Lifeline rules, and to the extent

²⁴ See, for example, *Lifeline and Link Up Reform and Modernization Order* at ¶¶125-28.

required, has obtained valid application/certification and verification for each of its subscribers subject to the request for reimbursement.²⁵ PlatinumTel will also transition the submission of its Form 497s to the eighth day of each month in order to be reimbursed in the same month, and inform USAC, to the extent necessary, to transition its reimbursement process to actual claims rather than projected claims over the course of more than one month.²⁶ Finally, PlatinumTel will maintain accurate records as directed by USAC and as required by Section 54.417 of the Commission's rules.

3. Ongoing Verification

The *Lifeline and Link Up Reform and Modernization Order* described the initial and annual verification procedures at paragraphs 120-148 and in Appendix C. Since beginning to offer Lifeline service in Illinois, PlatinumTel has required every consumer enrolled in the Lifeline program to verify on an annual basis that (1) he or she receives Lifeline-supported service only from PlatinumTel; (2) to the best of his or her knowledge, no one else in the subscriber's household is receiving a Lifeline-supported service²⁷; (3) the customer is still eligible to receive Lifeline benefits; and (4) the customer's information remains true and correct, and that if any of their information has changed, they will contact PlatinumTel to make the changes. Any customer that is found to not comply with the rules or that fails to respond to the annual recertification process will be de-enrolled.²⁸

PlatinumTel will notify each participating Lifeline consumer sixty (60) days prior to the recertification deadline that they must confirm their continued eligibility in accordance with the applicable requirements. Such verifications will be required in order for the consumer to

²⁵ Id. at ¶128; 47 USC 54.407(d).

²⁶ *Lifeline and Link Up Reform and Modernization Order* at ¶¶302-306.

²⁷ Id. at ¶120.

²⁸ Id. at ¶122.

continue to receive free Lifeline service or to purchase prepaid airtime from PlatinumTel at the discounted rate only available to those customers who are enrolled in its Lifeline program. Customers are notified multiple times over the sixty (60) day period via a robocall system, SMS messages, emails (if available), and letters via USPS. PlatinumTel also keeps customers aware that annual re-verification is required by regularly reminding customers via posting on www.carewireless.com, when customers contact the enrollment center, when customers contact customer service, and via social networks like Facebook, Twitter and Pinterest. PlatinumTel provides multiple methods for customers to process their annual re-verification, including calling into the IVR, speaking with an enrollment representative, or online at carewireless.com. The notice will explain the actions the customer must take to retain Lifeline benefits, when Lifeline benefits may be terminated, and how to contact PlatinumTel to complete verification. If the customer does not respond by the sixtieth day, a termination letter is sent to the customer. Customers will have 30 days following the date of the termination letter to complete the form, certify under penalty of perjury that no one else in the household receives Lifeline service from another carrier and return the form to PlatinumTel by mail. If the subscriber does not respond within 30 days to the mailing and certify their continued eligibility, the subscriber will be removed from the Lifeline program within 5 days.

PlatinumTel will submit an annual certification to the USAC, signed by a Company officer under penalty of perjury, that PlatinumTel: (1) has policies and procedures in place to review consumer's proof of eligibility documentation and ensure that its Lifeline subscribers are eligible to receive Lifeline services;²⁹ (2) is in compliance with all federal Lifeline certification procedures;³⁰ and (3) has obtained a valid application/certification form for each subscriber for

²⁹ *Id.* at ¶126; 47 USC 54.416(a)(1).

³⁰ *Lifeline and Link Up Reform and Modernization Order* at ¶126; 47 USC 54.54.416(a)(2).

whom PlatinumTel seeks Lifeline reimbursement.³¹ Pursuant to the new rules, PlatinumTel will re-certify the eligibility of its Lifeline subscriber base as of June 1, 2012 by the end of 2012 and report the results to USAC by January 31, 2013.³² Where ongoing eligibility cannot be determined through access to a qualifying database either by the Company or the state, and there is no state administrator verifying the continued eligibility of Lifeline subscribers, the Company will re-certify the continued eligibility of all of its subscribers by contacting them, either in person, in writing, by phone (e.g., via IVR (Interactive Voice Response) System), by text message, by email, or otherwise through the Internet—to confirm their continued eligibility.³³ In states where a state agency or a third party has implemented a database that carriers may query to re-certify the consumer’s continued eligibility, the Company (or state agency or third-party, where applicable) will instead query the database and maintain a record of what specific data was used to re-certify eligibility and the date of re-certification.³⁴ The notice will explain the actions the customer must take to retain Lifeline benefits, when Lifeline benefits may be terminated, and how to contact PlatinumTel.

PlatinumTel will provide the results of its annual recertifications/verifications to the Commission, the USAC, and to the applicable state public utility commissions.³⁵ PlatinumTel will annually report its Company name, names of its holding company, operating companies and affiliates, and any branding (such as a “d/b/a” or brand designation) as well as relevant universal service identifies for each entity by Study Area Code.³⁶ PlatinumTel will also report annually information regarding the terms and conditions of its Lifeline plans for voice telephony service

³¹ 47 USC 54.416(a)(3).

³² *Lifeline and Link Up Reform and Modernization Order* at Appendix C.

³³ *See Id.*

³⁴ *Id.* at ¶131.

³⁵ *Id.* at ¶¶132-148; 47 USC 54.416(b).

³⁶ *Lifeline and Link Up Reform and Modernization Order* at ¶¶296, 390; 47 USC 54.422(a).

offered specifically for low income consumers during the previous year, including the number of minutes provided and whether there are additional charges to the consumer for service, including minutes of use and/or toll calls.³⁷ Finally, PlatinumTel will annually provide detailed information regarding service outages in the previous year, the number of complaints received and certification of compliance with applicable service quality standards and consumer protection rules, as well as a certification that PlatinumTel is able to function in emergency situations.³⁸

III. Additional Measures to Prevent Waste, Fraud, and Abuse

A. Non-usage Policy

PlatinumTel will implement a non-usage policy whereby we will identify Lifeline customers that have not used the Company's Lifeline service for sixty (60) days, and cease to claim Lifeline reimbursements for such customers if they do not use their service within a 30-day grace period following the initial 60-day non-usage period. PlatinumTel has implemented an automated notification system which monitors Lifeline customer usage and automatically sends a text message to customers when there is sixty (60) days of non-usage. Customers receive the following message, "FREE NOTICE: YOUR LIFELINE ACCOUNT MAY BE DISCONNECTED DUE TO NON-USAGE FOR 60 DAYS. UNUSED SERVICE FOR 60 DAYS WILL RESULT IN DE-ENROLLMENT. CALL 855-711-2222" Specifically, if no usage appears on a PlatinumTel Lifeline customer's account during any continuous sixty (60) day period, PlatinumTel will promptly notify the customer that the customer is no longer eligible for PlatinumTel Lifeline service subject to a 30-day grace period. During the 30-day grace period,

³⁷ *Lifeline and Link Up Reform and Modernization Order* at ¶390; 47 USC 54.422(b)(5).

³⁸ *Lifeline and Link Up Reform and Modernization Order* at ¶389; 47 USC 54.422(b)(1)-(4).

the customer's account will remain active, but PlatinumTel will engage in outreach efforts to determine whether the customer desires to remain on the Company's Lifeline service. If the customer's account does not show any customer-specific activity during the grace period (such as making or receiving a voice call, sending a text message and/or adding money to the account), PlatinumTel will deactivate Lifeline services for that customer. In addition, PlatinumTel will not seek to recover a Federal Universal Service Fund subsidy for the minutes provided to the customer during the grace period or thereafter report that customer on its USAC Form 497 unless the customer reinitiates service.

B. Customer Education with Respect to Duplicates

To supplement its verification and certification procedures, and to better ensure that customers understand the Lifeline service restrictions with respect to duplicates, PlatinumTel has implemented measures and procedures to prevent duplicate Lifeline benefits being awarded to the same household. These measures entail additional emphasis in written disclosures as well as live due diligence.

- a) Call Center Scripts – PlatinumTel will emphasize the “one Lifeline phone per household” restriction through its interaction with the potential customer at the call center. (see Exhibit C)
- b) Marketing, Advertising and Website Content – PlatinumTel, in its marketing materials, will reinforce the limitation of one Lifeline phone per household. The following statement will appear in conspicuous place in bold font in an offsetting color, minimum 10 point font, to ensure it is not overlooked. (see Exhibits D-1 & D-2)

Note: By law, the Lifeline program is only available for one phone per household.

This statement will also appear on the company's website (www.carewireless.com) during the customer information/education cycle. At the point on its website when a customer inputs his/her zip code to verify that Care

Wireless/PlatinumTel offers service in their area, PlatinumTel would display the above message in the section where the website explains the service.

Throughout all advertising and marketing material, (1) PlatinumTel clearly identifies the service as a “Lifeline Product”; (2) that By law, the lifeline program is only available for one phone per household; and (3) that customers are required to provide documents demonstrating proof of eligibility (when a state database is not available).

All PlatinumTel personnel assigned to the Care Wireless Lifeline department undergo rigorous training to ensure their understanding of the program, (1) what is required of the applicants; (2) what is required of them; and (3) most importantly, the no tolerance policy regarding waste, fraud, and abuse. Supervisory staff actively monitors agents as they work with applicants to ensure their compliance, as well as making themselves available to answer any customers’ questions. Ongoing training for supervisors and staff is conducted monthly by management to review existing procedures, find ways to streamline regulatory compliance processes, address new concerns, and train on new policies issued by the Commission.

PlatinumTel has tailored its internal policies to reflect the goal of eliminated waste, fraud, and abuse. Regulatory and supervisory staff is also required to monitor any new policies issued by the FCC and USAC to ensure immediate adherence and re-training of staff. Staff for events at authorized locations also receive specialized ongoing training and management in order to maintain the strictest observance of Lifeline policies. Event staff and authorized location staff are assigned dedicated personnel that monitor all enrollments and applications using PlatinumTel’s proprietary systems (See Exhibit E).

PlatinumTel also takes great pride in its IT group’s ability to make sure that all internal and external systems reflect the policies as set by the Commission. The PlatinumTel IT Group has created many proprietary systems, some of which include the ability to process applications

from multiple sources, handle duplicative searches within the database (with the ability to connect to outside database sources when available), automatically notify customers of their upcoming annual re-verification, and automatically de-enroll subscribers who fail to re-verify or due to the sixty (60) day non-usage policy. By creating these systems internally, PlatinumTel is able to easily and quickly modify the system as the Commission defines the rules necessary to eliminate waste, fraud, and abuse.

C. Cooperation with state and federal regulators

PlatinumTel has and will continue to cooperate with federal and state regulators to prevent waste, fraud and abuse, including:

- Providing state commissions (PUC), the FCC or USAC upon request with data that will enable that state, the FCC or USAC to determine whether some consumers are enrolled in more than one Lifeline program. Specifically, PlatinumTel agrees to make available state-specific customer data, including name and address, upon request to each state PUC where it operates, the FCC or USAC for the purpose of permitting the PUC, FCC or USAC to determine whether an existing Lifeline customer receives Lifeline service from another carrier, and will participate in such a duplicate resolution process, provided that costs for participation are reasonable or defrayed through the universal service contribution mechanisms;
- Promptly investigate any notification that it receives from a state PUC, the FCC or USAC that one of its customers already receives Lifeline service from another carrier;
- Immediately deactivate a customer's Lifeline service and no longer report that customer on USAC Form 497 if PlatinumTel's investigation, a state, the FCC or USAC concludes that the customer receives Lifeline services from another carrier in violation of the Commission's regulations and that PlatinumTel's Lifeline service should be discontinued such as a de-enrollment notification pursuant to the FCC's June 17, 2011 Report and Order (Section III, B.).
- Report annually to the Commission the number of subscribers de-enrolled for non-usage by month.³⁹

³⁹ *Id.* at ¶257; 47 USC 54.405(e)(3).

D. Sample Marketing Materials

PlatinumTel will market its Lifeline plans, containing its own ETC name⁴⁰, Care Wireless, through various media, including through personal contact, print and television advertisements. PlatinumTel will incorporate into its Lifeline marketing materials in clear, easily understood language that: (i) the service is supported by Lifeline, a government program; (ii) only eligible consumers may enroll in the program; (iii) specific documentation is necessary for enrollment; and (iv) the benefit is limited to one per household and is no-transferrable.⁴¹

PlatinumTel marketing materials will reinforce the Commission's rules with respect to the prevention of waste, fraud and abuse. To supplement its verification and certification procedures, and to better ensure that customers understand the Lifeline service restrictions with respect to duplicates, PlatinumTel has implemented measures and procedures to prevent duplicate Lifeline benefits being awarded to the same household. These measures entail additional emphasis in written disclosures as well as live due diligence.

The following attached exhibits are related to PlatinumTel's customer marketing. A copy of PlatinumTel's Lifeline Application Form is attached as Exhibit B. Exhibit C is the call center script to be used during telephonic customer contacts. Exhibit D-1 contains a sample of PlatinumTel's marketing material. Finally, exhibit D-2 is an additional PlatinumTel sample marketing brochure.

IV. Description of how PlatinumTel will Offer Service

As one of the oldest prepaid providers in the U.S., PlatinumTel has been a leader in prepaid wireless by offering consumers an affordable product and by making prepaid wireless easy to understand. PlatinumTel's many achievements include innovations that have become

⁴⁰ *Lifeline and Link Up Reform and Modernization Order* at ¶275; 47 C.F.R. §54.405(d).

⁴¹ *Lifeline and Link Up Reform and Modernization Order* at ¶275; 47 C.F.R. §54.405(c).

industry standards, including, (1) in 2002 developing the first online activation and customer management portal allowing customers and retailers alike the ability to not only buy online, but also purchase airtime, and manage their accounts; (2) in 2001 being the first prepaid wireless carrier to offer prepaid customers with a \$10 top-up option; and (3) offering customers the most affordable pay-as-you-go wireless service in the U.S. in 2011. This innovation has helped PlatinumTel grow and be one of the strongest prepaid wireless carriers in the industry. It also translates to providing Lifeline customers with a better overall experience ensuring their understanding of the Lifeline program, giving them access to find the assistance when needed, and the comfort in knowing they are being serviced by an industry leader, pioneer and veteran.

PlatinumTel has been providing prepaid wireless service to customers from lower income backgrounds that generally do not have wireless service because of economic constraints, poor credit history or an inability to enter into a long-term contract since 2001, making it one of the earliest pioneers in prepaid wireless. PlatinumTel does not impose credit checks or long-term service contracts as a prerequisite to obtaining service. Prepaid wireless services have become essential for lower-income customers, providing them with affordable wireless access, including access to emergency services and a reliable means of accessing contacts for family, prospective employers or social services agencies.

PlatinumTel has extensive outreach efforts to providers of social services to low income people in Illinois. The company has outreach programs with numerous churches, non-profit, and community organizations. These organizations assist low income consumers in finding and applying for the appropriate government benefit for their situation. By establishing these partnerships, PlatinumTel is able to educate consumers of the Lifeline program, identify and enroll truly eligible consumers, and create long-lasting community ties. These efforts also reflect

PlatinumTel's dedication to reducing waste, fraud and abuse, by aligning with organizations that work with qualified consumers. PlatinumTel believes that this type of community outreach is vital to the success of the Lifeline Program, as it is an effective means of informing consumers about the benefits, and is a great supplement to traditional marketing efforts.

PlatinumTel provides prepaid wireless telecommunications services to consumers by reselling the services of Sprint PCS, which provides wholesale capacity to wireless resellers. Sprint PCS will provide PlatinumTel with the network infrastructure and wireless transmission facilities, allowing PlatinumTel to operate as a Mobile Virtual Network Operator ("MVNO"). As an MVNO, PlatinumTel purchases wireless services from the underlying carrier on a wholesale basis for calling, text messaging, broadband and resells those services to customers using its own brand. PlatinumTel's value proposition enables customers to select among an array of flexible service plans that allow them to pay for minutes as they use them or purchase monthly packages of minutes in advance.

In Illinois, PlatinumTel operates, manages and markets all aspects of the customer experience, including in-house U.S. based customer service, 411 directory assistance, international calling, IT services, pricing, the PlatinumTel website, handset procurement, handset logistics, handset selection, service offerings, entertainment applications and marketing materials. PlatinumTel began offering Lifeline services in Illinois in March 2011. The company's Lifeline package includes not only a free phone, but more minutes and cheaper text messaging rates than other prepaid wireless Lifeline providers. With respect to its handset, PlatinumTel provides a semi-activated handset to its customers. Upon delivering the handset, the customer must activate the service by making an outbound call.

For the last two years PlatinumTel has offered the lowest cost pay-as-you-go wireless services to consumers in the United States. PlatinumTel subscribers may easily de-enroll from Lifeline or disconnect their service altogether. Subscribers can de-enroll at any time by calling the Care Wireless toll free customer service line at 1-855-711-2222.

A. Geographic Area of PlatinumTel's Service

PlatinumTel is currently certified as both a facilities based wireline and wireless ETC in Illinois for the non-rural areas of the Illinois Bell Telephone Company ("AT&T Illinois") territories. PlatinumTel has a pending Petition before this Commission for Eligible Telecommunications Carrier Designation for Low Income Support only for the non-rural areas of Alabama, Connecticut, Delaware, District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee and Virginia.⁴² PlatinumTel expects to seek additional state Public Utility Commission ETC designations within the coming year.

B. Description of Lifeline Service Plan Offerings

PlatinumTel offers Lifeline customers three different rate plans. Two plans will be free to eligible subscribers, while one will have a monthly charge. PlatinumTel will offer the following three plans:

300 Free Minutes: This plan includes 300 free minutes added on the first day of the month. Unused minutes expire on the first day of the month when the account is replenished with the next month's 300 free minutes. If a subscriber runs out of minutes, they have the option to purchase additional airtime billed at \$.05 per minute and \$.02 per text message

150 Free Voice Minutes and 50 Free Text Messages: This plan includes 150 free voice minutes and 50 free text messages added on the first day of the month. Unused minutes and text messages carry over to the next month. If a subscriber runs out of minutes, they have the option to purchase additional airtime billed at \$.05 per minute and \$.02 per text message.

⁴² *In the Matter of Telecommunications Carriers Eligible to Receive Universal Service Support, PlatinumTel Communications, LLC Petition for Designation as an Eligible Telecommunications Carrier for Low Income Support Only*, WC Docket No. 09-197 (Submitted August 5, 2011).

500 Talk and Text Credit: Subscribers can purchase the 500 voice minutes and 500 text message monthly bundle for \$10. This plan normally costs \$20.

In addition to free voice services, each PlatinumTel Lifeline plan includes a free handset and free customer calling features, including Caller Identification, Call Waiting, Call Forwarding, 3-Way Calling and Voicemail. All plans include domestic long distance at no extra per minute charge. Calls to emergency 9-1-1 are always free, irrespective of the status of service activation or availability of minutes.

C. Other Certifications Required by 47 C.F.R. § 54.202

The *Public Notice*⁴³ requires carriers to include certifications required under recently amended 47 C.F.R. § 54.202. PlatinumTel certifies that it does and will continue to comply with the service requirements applicable to the support it receives.⁴⁴ Specifically, PlatinumTel's Lifeline services: (i) include voice telephony services that provide voice grade access to the public switched network or its functional equivalent; (ii) provide subscribers with a defined number of minutes of usage for local service at no additional charges; (iii) provide subscribers with access to the emergency services provided by local government or other public safety organizations, such as 911/E911 to the extent the local government in PlatinumTel's service area has implemented 911/E911 systems; and (iv) toll limitation for qualifying low-income consumers.⁴⁵

⁴³ *Wireline Competition Bureau Provides Guidance for the Submission of Compliance Plans Pursuant to the Lifeline Reform Order*, Public Notice, DA 12-314 (WCB, rel. Feb. 29, 2012) ("Public Notice").

⁴⁴ 47 C.F.R. § 54.202(a)(1).

⁴⁵ PlatinumTel will meet the requirement to provide toll limitation to Lifeline subscribers by offering service on a prepaid, or pay-as-you-go, basis, as well as toll blocking for international calls. As the Commission found in its grant of ETC designation to Virgin Mobile, "the prepaid nature of [a prepaid wireless carrier's] service offering works as an effective toll control." *Virgin Mobile USA, L.P. Petition for Forbearance from 47 U.S.C. § 214(e)(1)(A)*, Order, 24 FCC Rcd 3381, 3394 at ¶ 34 (2009).

V. PlatinumTel has the Financial and Technical Ability to Provide Lifeline Supported Services.

Paragraph 388 of the *Lifeline and Link Up Reform and Modernization Order* updated the Commission's rules to ensure that Lifeline-only ETCs have the financial and technical ability to offer Lifeline-supported services. PlatinumTel's officers have extensive experience in the telecommunications industry. PlatinumTel's services include voice calling, text messaging, internet access, and broadband. PlatinumTel is certified to provide wireline and wireless telecommunications services in Illinois. The Company has been providing prepaid wireless services in Illinois since 2001. Today, PlatinumTel services prepaid customers nationally on a network that reaches over 270 million people. Additionally, PlatinumTel began providing wireless lifeline services in Illinois in March 2011. PlatinumTel has a strong IT team devoted to the development of unique business services and over the years has maintained a robust and profitable telecommunications operations. The success of PlatinumTel's business is due in large part to the continuity of its highly qualified management team with over 50 years of combined relevant experience. PlatinumTel is one of the oldest and largest prepaid wireless companies in the United States. The company is based in Justice, Illinois and has provided prepaid wireless services since 2001.

The company serves primarily residential consumers, most of who reside in urban and inner-city areas. Many of these consumers do not have bank accounts and have limited available funds to purchase communications services. In Illinois, PlatinumTel uses a combination of its own network facilities as well as reselling the services of Sprint PCS.

VI. PlatinumTel will Comply with the Commission's Reporting Requirements.

PlatinumTel agrees to annually report the names and identifiers used by PlatinumTel, its holding company, operating companies and affiliates.⁴⁶ Additionally, PlatinumTel agrees to provide to the Commission and USAC general information regarding the terms and conditions of the Lifeline Plans for voice telephony service offered specifically for low income consumers through the program they offered during the previous year, including the number of minutes provided, and whether there are additional charges to the consumer for service, including minutes of use and/or toll calls.⁴⁷

The *Lifeline and Link Up Reform and Modernization Order* contains audit requirements for carriers that draw five (5) million dollars or more from the low income program.⁴⁸ To the extent this requirement is approved, and PlatinumTel draws \$5 million or more in the aggregate on an annual basis from the low income program, the Company will hire an independent licensed certified public accounting firm to conduct a biennial audit according to government accounting standards to assess PlatinumTel's overall compliance with the program's requirements.⁴⁹ PlatinumTel will comply with applicable rules regarding the dissemination of audit findings to the Commission, USAC, and relevant state and Tribal governments within 30 days upon issuance.

VII. PlatinumTel will Comply with the Commission's Recordkeeping Requirements.

PlatinumTel agrees to comply with the recordkeeping requirements outlined in the *Lifeline and Link Up Reform and Modernization Order*. Section 54.417 of the new rules requires all ETCs to "maintain records to document compliance with all Commission and state

⁴⁶ See *Lifeline and Link Up Reform and Modernization Order* at ¶390.

⁴⁷ Id.

⁴⁸ Id. at ¶294. As of the date of filing this Compliance Plan, this audit requirement has not yet been approved pursuant to the Paperwork Reduction Act.

⁴⁹ *Lifeline and Link Up Reform and Modernization Order* at ¶291.

requirements governing the Lifeline and Linkup program for the three full preceding calendar years and to provide that documentation to the Commission or Administrator upon request.”⁵⁰ Section 54.417 of the new rules also require all ETCs to “maintain the documentation required in §§54.410(d) (initial eligibility certification) and 54.410(f) (eligibility recertification) for as long as the subscriber receives Lifeline service from that ETC.”⁵¹ PlatinumTel will therefore maintain records pursuant to §§54.410(d) and 54.410(f) on all individual Lifeline accounts that will be stored for as long as the account is active and for a minimum of three years after the account has been terminated.

VIII. Conclusion

PlatinumTel respectfully submits that this Revised Compliance Plan fully satisfies the conditions set forth in the *Lifeline and Link Up Reform and Modernization Order* and the Commission’s Lifeline rules. Accordingly, PlatinumTel respectfully requests expeditious approval of this Revised Compliance Plan and its related pending ETC Petition in order that PlatinumTel may continue to provide Lifeline service to eligible low-income subscribers in Illinois and expand its Lifeline offering to other eligible customers.

Respectfully submitted,

s/ Thomas H. Rowland
Thomas H. Rowland
Kevin D. Rhoda
Rowland & Moore LLP
200 West Superior Street
Suite 400
Chicago, Illinois 60654

Counsel to PlatinumTel Communications, LLC

⁵⁰ 47 CFR 54.417(a).

⁵¹ Id.

PlatinumTel List of Exhibits

Exhibit A	Household Worksheet
Exhibit B	Lifeline Application Form
Exhibit C	Call Center Script
Exhibits D-1 & D-2	Marketing Material
Exhibit E	Internal System View

Exhibit A

Household Worksheet



Lifeline Household Worksheet

Care Wireless
PO Box 1109
Bridgeview, IL 60455
855-711-2222

Customer First Name: _____ Customer Last Name: _____
Customer Address: _____ City: _____ State: _____ Zip: _____
Customer Email: _____ Customer Phone #: _____

Lifeline is a government program that provides a monthly discount on home or mobile telephone services. Only **ONE** Lifeline discount is allowed per household. Members of a household are not permitted to receive Lifeline service from multiple telephone companies

Your **household** is everyone who lives together at your address as one economic unit (including children and people who are not related to you). The **adults** you live with are part of your **economic unit** if they contribute to and share in the income and expenses of the household. An **adult** is any person 18 years of age or older, or an emancipated minor (a person under age 18 who is legally considered to be an adult). Household **expenses** include food, health care expenses (such as medical bills) and the cost of renting or paying a mortgage on your place of residence (a house or apartment, for example) and utilities (including water, heat and electricity).

Income includes salary, public assistance benefits, social security payments, pensions, unemployment compensation, veteran's benefits, inheritances, alimony, child support payments, worker's compensation benefits, gifts, and lottery winnings.

Spouses and domestic partners are considered to be part of the same household. Children under the age of 18 living with their parents or guardians are considered to be part of the same household as their parents or guardians. If an adult has no income, or minimal income, and lives with someone who provides financial support to that adult, both people are considered part of the same household.

You have been asked to complete this Worksheet because someone else currently receives a Lifeline-supported service at your address. This other person may or may not be a part of your household. Answer the questions below to determine whether there is more than one household residing at your address.

Section 1

1. Does your spouse or domestic partner (that is, someone you are married to or in a relationship with) already receive a Lifeline-discounted phone? (check no if you do not have a spouse or partner, or you live alone)
 - a. YES
STOP HERE - If you checked **YES**, you **MAY NOT** sign up for Lifeline because someone in your household already receives Lifeline. Only **ONE** Lifeline discount is allowed per household.
 - b. NO
If you checked **NO**, please **CONTINUE** to **Section 2**

Section 2

2. Other than a spouse or partner, do **other adults** (people over the age of 18 or emancipated minors) live with you at your address?
 - a. YES
If you checked **YES**, please **CONTINUE** to **Section 3**
 - b. NO
If you checked **NO**, please **CONTINUE** to **INITIAL Section 4**

Other Adults:

- Parents
- Adult child
- Other adult relative (sibling, aunt, cousin, grandparent, etc.)
- Adult roommate

Section 3

3. Do you share living expenses (bills, food, etc.) and share income (your income, the other person's income or both incomes together) with at least one of the adults listed above in Section 2?
 - a. YES
STOP HERE - If you checked **YES**, then your address includes only **one household**. You **MAY NOT** sign up for Lifeline because someone in your household already receives Lifeline.
 - b. NO
if you checked **NO**, then your address includes **more than one household**. Please initial **Sections 4 and 5** below, and sign and date the worksheet.

Section 4

____ I understand that violation of the one-per-household requirement is against the Federal Communication Commission's rules and may result in me losing my Lifeline benefits, and potentially, prosecution by the United States government.

Section 5

____ I certify that I live at an address occupied by multiple households.

CERTIFICATION

Please sign and date this worksheet. Submit this worksheet to Care Wireless along with your Lifeline application.

Signature _____ Date _____

Submit completed form to: enroll@carewireless.com or fax to: 855-722-2022

Exhibit B

Lifeline Application Form



FREE WIRELESS PHONE & FREE 300 MONTHLY AIRTIME MINUTES

This completed form is required in order to enroll you in the Lifeline Program in your state. This authorization form is solely for the purpose of verifying your participation in the programs listed below, and will not be used for any other purpose.

A Lifeline Product

IMPORTANT INFORMATION ABOUT THE LIFELINE PROGRAM

1. The Lifeline Program is a federal benefit
2. Lifeline Service is only available for one line per household. A household cannot receive benefits from multiple providers
3. A household is defined, for the purposes of the Lifeline Program, as any individual or group of individuals who live together at the same address and share income and expenses.

SECTION 1 – ENTER YOUR PERSONAL INFORMATION HERE

Please **PRINT** your information below (*applications with missing information will not be processed*):

RESIDENTIAL ADDRESS (CANNOT BE P.O. Box):

First Name: _____ Mi: _____ Last Name: _____

Last 4 Digits of Social Security #: _____ Date of Birth: Month _____ Day _____ Year _____

Address: _____ Apt #/Unit #: _____

City: _____ State: _____ Zip Code: _____ Email Address: _____

This address is (*check one*): ☐ Permanent ☐ Temporary ☐ Multi-Household Contact Phone #: _____

****Initial Here if you selected "Temporary" Address**

I will validate this address with Care Wireless every 90 days until I obtain a permanent address.

Initial Here

BILLING ADDRESS (if different than above):

Address: _____ Apt #/Unit #: _____

City: _____ State: _____ Zip Code: _____

If you previously selected that your residential address is a temporary address **you are required to re-verify every 90 days** that you continue to rely on that address. Failure to respond to address verification attempts within 30 days will result in de-enrollment from the Lifeline program.

If you should move, you **must** notify Care Wireless within 30 days of moving. You may not use a post office box as your residential address.

SECTION 2a – Use this section only if you qualify based on participating in the following programs.

SKIP TO SECTION 2b IF YOU QUALIFY BASED ON INCOME LEVEL

I hereby certify under penalty of perjury that I participate in at least one of the following programs (*check all that apply*):

Initial Here

- | | |
|---|---|
| <input type="checkbox"/> SNAP / Food Stamps / WIC | <input type="checkbox"/> Federal Public Housing Assistance / Section 8 |
| <input type="checkbox"/> Medicaid | <input type="checkbox"/> Supplemental Security Income / SSI |
| <input type="checkbox"/> National School Free Lunch Program | <input type="checkbox"/> Temporary Assistance to Needy Families / TANF |
| <input type="checkbox"/> Bureau of Indian Affairs | <input type="checkbox"/> Low Income Home Energy Assistance Program / LIHEAP |

You must send a COPY of any current document that proves your participation in one of the programs previously selected. All documents must have the same name and address as provided in this application.

Skip to Section 3 if you selected one of the programs above.



FREE WIRELESS PHONE & FREE 300 MONTHLY AIRTIME MINUTES

This completed form is required in order to enroll you in the Lifeline Program in your state. This authorization form is solely for the purpose of verifying your participation in the programs listed below, and will not be used for any other purpose.

A Lifeline Product

SECTION 2b – Use this section only if you qualify based on your household income level.

☐

Income Qualification:

Check this box if your household income is at or below 135% of national poverty level qualifies for Lifeline credit.

There are individuals in my household.

(Enter the number of people residing in your household)

# Persons in Household	1	2	3	4	5
135% Annual Income (at or below)	\$15,080	\$20,426	\$25,772	\$31,118	\$36,464
Add \$5,346 for each additional person.					

TO QUALIFY BASED ON YOUR INCOME, YOU MUST PROVIDE COPIES OF ONE OR MORE OF THE DOCUMENTS LISTED BELOW. IF YOU PROVIDE DOCUMENTATION THAT DOES NOT COVER A FULL YEAR (SUCH AS CURRENT PAY STUBS), YOU MUST SUBMIT THREE (3) CONSECUTIVE MONTHS OF THE SAME TYPE OF DOCUMENT WITHIN THE PREVIOUS 12 MONTHS.

- Current income statement from employer or paycheck stub
- Unemployment/Workers Compensation benefits statement
- Retirement/Pension benefit statement
- Prior year's state, federal or tribal tax return
- Social Security benefits statement
- Divorce decree or child support document
- Veterans Administration benefits statement

I certify under penalty of perjury that my household income is at or below 135% of the Federal Poverty Guidelines (FPG)

Initial Here

(Note: Proof of income qualification not required during annual re-verification of Lifeline eligibility.)

Care Wireless is a Lifeline supported service. Lifeline is a federal benefit, and only eligible subscribers may enroll. Customers who willfully make false statements in order to obtain the benefit can be punished by fine or imprisonment or can be barred from the program. Lifeline is available for only one line per household. A household is defined as any individual or group of individuals who live together at the same address and share income and expenses. A household is not permitted to receive Lifeline benefits from multiple providers. Violation of the one-per-household rule constitutes a violation of FCC rules, and will result in the Customer's de-enrollment from Lifeline. Lifeline is a non-transferable benefit, and a Customer may not transfer his or her benefit to another person.

Referred By:

Were you referred by a friend or family member?

Customer's First Name

Customer's Last Name

Care Wireless Phone Number



FREE WIRELESS PHONE & FREE 300 MONTHLY AIRTIME MINUTES

This completed form is required in order to enroll you in the Lifeline Program in your state. This authorization form is solely for the purpose of verifying your participation in the programs listed below, and will not be used for any other purpose.

A Lifeline Product

SECTION 3 – INITIAL EACH BOX BELOW

I certify under penalty of perjury to each of the following **(initial each box)**:

- ☐ 1) The information contained in my application remains true and correct to the best of my knowledge and I acknowledge that willfully providing false or fraudulent information to receive Lifeline benefits is punishable by law and may result in me being barred from the program.
- ☐ 2) I meet the eligibility requirements of the program(s) checked above, or have an annual household income at or below 135% of the Federal Poverty Guidelines
- ☐ 3) I am not listed as a dependent on another person's tax return (unless over the age of 60)
- ☐ 4) I have provided documentation of eligibility.
- ☐ 5) I understand that I and my household can only have one Lifeline-supported telephone service. Care Wireless has explained the one-per-household requirement. I understand that violation of the one-per-household requirement constitutes a violation of the FCC's rules and will result in my de-enrollment from the Lifeline program, and could result in criminal prosecution by the United States Government
- ☐ 6) I attest to the best of my knowledge, that I and no one in my household is receiving a Lifeline-supported service from any other land line or wireless company such as Safelink, Assurance, or Reachout Wireless.
- ☐ 7) I understand that my Care Wireless Lifeline service is non-transferable. I may not transfer my service to any individual, including another eligible low-income consumer.
- ☐ 8) I understand that if my service goes unused for sixty (60) days, my service will be suspended, subject to a thirty (30) day period during which I may use the service or contact Care Wireless to confirm that I want to continue receiving service.
- ☐ 9) I will notify Care Wireless within thirty (30) days if I no longer qualify for Lifeline. I understand this requirement and may be subject to penalties if I fail to notify my phone company. Specifically, I will notify Care Wireless if:
 - a) I cease to participate in the above federal or state program, or my annual household income exceeds 135% of the Federal Poverty Guidelines;
 - b) I am receiving more than one Lifeline supported service;
 - c) I no longer satisfy the criteria for receiving Lifeline support.
- ☐ 10) I will notify Care Wireless within thirty (30) days of moving. Additionally, if my address listed above is a temporary address, I understand that I must verify my address with Care Wireless every ninety (90) days. If I fail to respond to Care Wireless' verification attempts within thirty (30) days, my Care Wireless Lifeline service may be terminated.
- ☐ 11) Care Wireless has explained to me that I may be required to re-certify my continued eligibility for Lifeline at any time. If I fail to do so within thirty (30) days, it will result in termination of my Care Wireless Lifeline service.
- ☐ 12) I understand, and consent to the fact that my name, telephone number, address, date of birth, last four digits of my social security number, dates of service initiation and/or termination, and qualifying basis for Lifeline service will be provided to the Universal Service Administrative Company, the administrator of the Lifeline program, and/or its agents, for the purpose of verifying that I do not receive more than one Lifeline benefit.
- ☐ 13) I authorize Care Wireless to access any records required to verify my statements on this form and to confirm my eligibility. I give permission to the duly authorized official(s) administering the above programs to provide to Care Wireless my participation status in any of the above program(s). I give this permission on the condition that the information in this Application and any information about my participation in the above programs provided by officials be maintained by Care Wireless as confidential customer account information.

Penalty of Perjury

Under Title 18 U.S.C. §1621, whoever will state as true any material matter which he does not believe to be true in a statement under penalty of perjury, is guilty of perjury and shall, except as otherwise expressly provided by law, be fined or imprisoned not more than five years, or both.



FREE WIRELESS PHONE & FREE 300 MONTHLY AIRTIME MINUTES

This completed form is required in order to enroll you in the Lifeline Program in your state. This authorization form is solely for the purpose of verifying your participation in the programs listed below, and will not be used for any other purpose.

A Lifeline Product

BY LAW THE LIFELINE PROGRAM IS ONLY AVAILABLE FOR ONE PHONE PER HOUSEHOLD, WHETHER LANDLINE OR WIRELESS, NO EXCEPTIONS

SECTION 4 – SIGNATURE REQUIRED

By signing below, I separately affirm and agree to each of the above statements:

Applicant Signature

Date

SUBMIT APPLICATION

To submit your application with required documents, you may:

Email to: enroll@carewireless.com
Fax to: 855-722-2022
Mail to: P.O. Box 1109
Bridgeview, IL 60455

For Authorized Employee Use Only

CODS ID: _____ AGENT USER: _____ Shelter/Multi Resident Authorization Code (if applicable): _____
EID: _____ CTN: _____ ACCT ID: _____
Specify Documentation Presented by Customer and Examined by Company Representative: _____

I certify that I reviewed the appropriate eligibility database to determine the above applicant's Lifeline eligibility status.
Should an eligibility database not be available I certify that the above applicant demonstrated their eligibility by providing their eligibility documentation and that such documentation has been reviewed for accuracy and legitimacy.

Store Rep Signature _____ Date _____

Exhibit C

Enrollment Script

Care Wireless Enrollment Script:

CSR: Thank you for calling Care Wireless where we provide you with 300 free monthly minutes my name is _____ how may I assist you today?

Caller: I would like enroll in Care Wireless Lifeline service.

CSR: Wonderful, I will be able to assist you in the process. I will need to ask you some questions to get started. Is that ok?

Before you proceed, please verify customer has social security number. If they do not, unfortunately we cannot provide lifeline service.

CSR: How did you hear about our service?

CSR: Are you 18 years old or older?

If Yes, continue

If No, explain that the service is only available to consumers who are at least 18 years old

CSR: Do you currently live in the state of Illinois?

If Yes, continue

If No, explain that Care Wireless service is currently only available in the State of Illinois

CSR: Are you or anyone in your household currently receiving lifeline benefits for wireless or home phone service? For example, from Safelink or ReachOut Wireless?

If NO, Continue

IF YES, CALLER DOES NOT QUALIFY.

FOLLOW THIS : Sir/ma'am, Lifeline service is limited to one per household. If you would like to receive Lifeline service from Care Wireless, please contact your current Lifeline provider and cancel the service. Once you cancel that service, please contact us to set up Care Wireless service.

CSR: Please understand that by law, the Lifeline program is available for only one person per household.

CSR: Are you currently participating in any government assistance programs? If so, which one?

If Yes, continue

If No, ask income question:

CSR: Is your income at or below 135% of the federal poverty line?

If Yes, ask follow up questions:

Follow Up 1: How many individuals are in your household?

Follow Up 2: What is the total annual income for everyone in your household?

Use the following table to determine if they are eligible based on income:

# Persons in Household	1	2	3	4	5
135% Annual Income	\$15,080	\$20,426	\$25,772	\$31,118	\$36,464
Add \$5,346 for each additional person in the household					

If qualified based on income inform the customer:

CSR: To qualify based on your income, you must provide copies of one or more of the following documents. If you provide documents that do not cover a full year (such as current pay stubs), you must submit 3 consecutive months of the same type of document within the previous 12 months. Are you able to provide this documentation?

If Yes, list the types of documents:

- Current income statement from employer or paycheck stub

- Social Security benefits statement
- Unemployment/Workers Compensation benefits statement
- Divorce decree or child support document
- Retirement/Pension benefit statement
- Veterans Administration benefits statement
- Prior year's state, federal or tribal tax return

If No, applicant does not qualify.

NOTE: If applicant does not participate in qualifying government program and does not qualify based on income, please thank the customer and refer them to visit www.ptel.com if they would like to purchase new affordable wireless service.

CSR: Participating in _____ (say the name of the qualifying program chosen by the customer)

or if qualifying by income:

Your household income...

...may qualify you for Care Wireless Lifeline Service. If approved, Care Wireless Lifeline service will provide you with a free wireless phone with \$15.00 worth of monthly airtime.

CSR: May I please have your residential address?

If the address is already in the system please inform:

"The address you have provided is already being used with Care Wireless Lifeline Program. Lifeline Service is available to only one person per household. If you feel that you are an independent, living in your own household, I am able to send you the Care Wireless Lifeline Household Worksheet"

NOTE: If the customer would like the form please fill out and submit the Google Form "Care Wireless Lifeline Household Form" Advise customer to please complete this worksheet and send it back to us within 14 days of today's date. If we do not receive a completed worksheet indicating that you do indeed qualify for our services, this application will be denied. If we receive a completed worksheet indicating that you do qualify for our services, this application will be approved.

CSR: I would also like to inform you that upon completion of this application you will be required to send in proof of your eligibility for the program you selected (or . You may mail, fax or email your proof to Care Wireless. Please be advised without this documentation you will not receive your Lifeline handset.

-----FILL OUT APPLICATION NOW-----

CSR: There are a few more questions that I will need to ask. Please respond with Yes or No to the following questions.

CSR:

1. Do you certify under penalty of perjury that the information contained within this application is true and correct and that providing false or fraudulent information to receive Lifeline benefits is punishable by law and may result in you being barred from the program?

Customer must answer YES to continue

2. You certify that you meet the eligibility requirements of the program you selected, or have an annual household income at or below 135% of the Federal Poverty Guidelines?

Customer must answer YES to continue

3. You will provide documentation of eligibility.

Customer must answer YES to continue

4. You are not listed as a dependent on another person's tax return (unless you are over the age of 60)

Customer must answer YES to continue

5. You understand that you and your household can only have one Lifeline-supported telephone service. You understand the one-per-household requirement as it has been explained to you. You understand the violation of the one-per-household requirement constitutes a violation of the FCC's rules and will result in your de-enrollment from the Lifeline program, and could result in criminal prosecution by the United States Government?

Customer must answer YES to continue

6. You attest to the best of your knowledge that you and no one in your household is receiving a Lifeline-supported service from any landline or wireless company, such as Safelink, Assurance Wireless, or Reach Out Wireless?

Customer must answer YES to continue

7. You understand that Care Wireless Lifeline service is non-transferable. You may not transfer your service to any individual, including another eligible low-income consumer.

Customer must answer YES to continue

8. You understand that if your service goes unused for 60 days, your service will be suspended, subject to a 30 days period during which you may use your service, or contact Care Wireless to confirm that you want to continue receiving service.

Customer must answer YES to continue

9. You will notify Care Wireless within 30 days if you no longer qualify for Lifeline. You understand this requirement and may be subject to penalties if you fail to notify Care Wireless. Specifically, you will notify Care Wireless if:

- a. You cease to participate in the federal or state program you selected, or you annual household income exceeds 135% of the Federal Poverty Guidelines
- b. You are receiving more than one Lifeline supported service
- c. You no longer satisfy the criteria for receiving Lifeline support

Customer must answer YES to continue

10. You will notify Care Wireless within 30 days of moving. Additionally, if your address is a temporary address, you understand that you must verify your address with Care Wireless every 90 days. If you fail to respond to Care Wireless verification attempts within 30 days, your Care Wireless service may be terminated.

Customer must answer YES to continue

11. You understand that you may be required to recertify your continued eligibility at any time. If you fail to do so within 30 days, it will result in termination of your Care Wireless Lifeline Service

Customer must answer YES to continue

12. You understand and consent to the fact that your name, telephone number and address will be provided to the Universal Service Administrative Company, the administrator of the Lifeline program, and/or its agents, for the purpose of verifying that you do not receive more than one Lifeline benefit

Customer must answer YES to continue

13. You authorize Care Wireless to access any records required to verify your statements on this form and to confirm your eligibility. You give permission to the duly authorized officials administering the federal & state programs to provide to Care Wireless your participation status in the selected program/programs. You give this permission on the condition that the information in this application and any information about your participation in the selected programs provided by officials be maintained by Care Wireless as confidential account information.

Customer must answer YES to continue

CSR: Thank you. We have now completed your Care Wireless Lifeline enrollment. You will receive your phone within 2 weeks, upon approval.

CSR: The phone will have \$15.00 worth of airtime which you can use for calling or texting. The rate is \$0.05 per minute and \$0.02 per text message, (it would be 300 minutes OR 750 text messages). Keep in mind your account will be replenished on the first day of every month and you must keep your phone powered on for the first three days of every month for Care Wireless Systems Check (to confirm the account is in use).

CSR: Also, once you receive your phone, you must make an outbound call to fully activate your service. From that point, your phone will be active and ready for you to use and your new number can be found on the back of the phone. If at any point you need to add additional minutes, you can purchase minutes with PlatinumTel Wireless. To find a location you can visit their website, Ptel.com or our website, CareWireless.com. Please be advised that the phone comes with a small pamphlet/insert that explains when you get your airtime, how to check your balance, how much minutes cost, and other useful information. Also, the handset only comes with 30 days of warranty.

CSR: Is there anything else I may assist you with today?

If Yes, assist customer in any way possible

If No, Thank you for calling Care Wireless, where we care about keeping you connected.

Exhibits D1 & D2
Marketing Materials



CARE WIRELESS
PO BOX 1109
BRIDGEVIEW IL 60455-9910

BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 818 BRIDGEVIEW IL

POSTAGE WILL BE PAID BY ADDRESSEE



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



A Lifeline Product



**FREE
PHONE** & **300
FREE
MONTHLY
MINUTES**

**STAY CONNECTED WITH
FAMILY & FRIENDS
APPLY TODAY!**

By Law, the Lifeline Program is only
available for one (1) phone per household.

www.carewireless.com

NO FEES · NO CONTRACTS · NO BILLS

the
Care Wireless Lifeline Plan

→ **up to 300 talk minutes**
or
→ **up to 750 text messages**

**FREE
EACH MONTH**

Need more than 300 minutes?

With Care Wireless you can add as much
airtime as you need at the lowest pay-as-you-go
rates in the U.S.

TEXT
FOR ONLY
2¢
per
SMS

TALK
FOR ONLY
5¢
per
min.

Choose
a plan
to fit your
budget!

PLAN	\$10	\$20	\$30	\$50	\$100
MINUTES	up to 200	up to 400	up to 600	up to 1000	up to 2000
ACCESS DAYS	90 days	90 days	180 days	180 days	365 days

To purchase airtime, visit
www.carewireless.com and top-up your
account instantly, or to find a location near you.

**What do you get from
Care Wireless?**

- A free wireless phone
- 300 free monthly minutes
(or up to 750 text messages)
- Free voicemail, caller ID, call waiting
- Free access to 911
EVEN IF YOU ARE OUT OF AIRTIME
- Nationwide coverage
- Free nationwide long distance

How do you qualify?

To qualify for Care Wireless Lifeline Service you
must be enrolled in one of the following programs:

- ✓ SNAP / Food Stamps / WIC
- ✓ Federal Public Housing Assistance - Section 8
- ✓ Supplemental Security Income - SSI
- ✓ Medicaid
- ✓ National School Free Lunch Program
- ✓ Temporary Assistance to Needy Families - TANF
- ✓ Low Income Home Energy Assistance Program - LIHEAP
- ✓ Bureau of Indian Affairs Programs

✓ or You may qualify if your household income is at
or below 135% of the federal poverty guideline.

Enroll Online:

www.carewireless.com

**By Law, the Lifeline Program is only
available for one (1) phone per household.**

*Minutes do not rollover. Any unused minutes will be lost. Care Wireless will
replenish your account with \$15.00 of airtime within the first 3 days of each
month, so please ensure your phone is turned on and fully charged.

Care Wireless is a Lifeline product that provides customers with a free monthly
airtime discount. Care Wireless provides customers with a free wireless phone.
Visit www.carewireless.com for full terms and conditions.

WELCOME
to **CARE**
WIRELESS

Guide to Care Wireless Service

Thank you for choosing Care Wireless.
A Lifeline Product

Dear Care Wireless Customer,

Congratulations, you have qualified for Care Wireless Service, a government supported program that provides free minutes of airtime each month. And in the event of an emergency, 911 is always a free call.

For complete information on Care Wireless
visit **www.carewireless.com**



855-711-2222

www.carewireless.com

Getting started with your Care Wireless phone

Your phone is active and ready for you to use.

Receiving your monthly minutes

Your monthly minutes are loaded onto your account automatically on the first day of every month. In order to receive your monthly minutes **you must have your phone on for the first three (3) days of every month.**

Keeping your Care Wireless service active every year

In order to keep your Care Wireless Service active, you must verify your service every year. You can do this by simply visiting carewireless.com or calling a Care Specialist at 855-711-2222.

How Care Wireless service works

Using your Care Wireless phone is simple. Every month, we will automatically credit your account with your free airtime.

If you have questions about how you can use your airtime, please visit us online at **www.carewireless.com**.

Phone warranty

Your phone comes with a 30 day warranty. If in the first 30 days your phone is not working properly, you may ship your phone back to us and we will send you a replacement. Certain restrictions apply, please contact Care Wireless for details.

Care Wireless is a service provided by PlatinumTel

www.carewireless.com

care

Need more airtime?

To add more airtime to your phone, simply purchase PlatinumTel Wireless airtime available at over 36,000 locations in the U.S. To find a location near you visit **www.carewireless.com**.

PlatinumTel Wireless airtime is also available at all MoneyGram Agent Locations. To find a MoneyGram Agent Location, please visit **moneygram.com/platinumtel**.

You can add more airtime to your Care Wireless account by setting up your online account at **www.carewireless.com**.

How to check your balance:

There are **2 easy ways** to check your airtime balance:

1. Send a text message to **9080** with the word **"BAL"**. This is a free message that will not deduct from your airtime
2. Set up an online account at **www.carewireless.com** and log in to check your minute and text usage.

How much is the airtime?

Care Wireless gives you the lowest pay-as-you-go wireless rates in the U.S. If you purchase additional minutes you will only pay **2¢ per text message** sent and received and **5¢ per voice minute**.

2¢ per
SMS
*sent or received

5¢ per
minute

Please visit us online at **www.carewireless.com**
for the latest and complete terms & conditions

www.carewireless.com

care

Exhibit E

Internal System View

Care Wireless Internal Enrollment Check

☐ Config

☒ Enrollee Info

☐ Dealer Info.

☐ Qualifiers

☐ Validations

☐ Acknowledgements

☐ Documents

Overall Status

Address : ☒

Terms Ack : ☒

Qualifiers : ☒

Documents : ☒

Overall : ☒

Enrollment Details

Name:

Addr. Submitted:

Addr. Sanitized:

: CHICAGO, IL 60619

Contact CTN:

Email :

Enrollment is checked to:

- Ensure address is valid via USPS
- Ensure address is not duplicate to existing enrollment
- Ensure applicant is not currently receiving Lifeline from Care Wireless
- Verify document(s) submitted demonstrate eligibility
- Verify that applicant has acknowledged Lifeline terms

With Selected Save

Process

Purge

Update Info

Update Status

Approve Selection

Add/View Comments

CSA Coverage

Manage Locks

Exhibit 2

State PUC Jurisdictional Statements

Alabama Public Service Commission

Orders

**PINE BELT CELLULAR, INC. and PINE
BELT PCS, INC.,**

Joint Petitioners

**PETITION: For ETC status and/or
clarification regarding the jurisdiction of
the Commission to grant ETC status to
wireless carriers.**

DOCKET U-4400

ORDER

BY THE COMMISSION:

In a joint pleading submitted on September 11, 2001, Pine Belt Cellular, Inc. and Pine Belt PCS, Inc. (collectively referred to as "Pine Belt") each notified the Commission of their desire to be designated as universal service eligible telecommunications carriers ("ETCs") for purposes of providing wireless ETC service in certain of the non-rural Alabama wireline service territories of BellSouth Telecommunications, Inc. ("BellSouth") and Verizon South, Inc. ("Verizon"). The Pine Belt companies noted their affiliation with Pine Belt Telephone Company, a provider of wireline telephone service in rural Alabama, but clarified that they exclusively provide cellular telecommunications and personal communications (collectively referred to as "CMRS" or "wireless") services in their respective service areas in Alabama in accordance with licenses granted by the Federal Communications Commission ("FCC"). The pivotal issue raised in the joint pleading of Pine Belt companies is whether the Commission will assert jurisdiction in this matter given the wireless status of the Pine Belt companies.

As noted in the filing of the Pine Belt companies, state Commissions have primary responsibility for the designation of eligible telecommunications carriers in their respective jurisdictions for universal service purposes pursuant to 47 USC §214(e). The Commission indeed established guidelines and requirements for attaining ETC status in this jurisdiction pursuant to notice issued on October 31, 1997.

For carriers not subject to state jurisdiction, however, §214(e)(6) of the Telecommunications Act of 1996 provides that the FCC shall, upon request, designate such carriers as ETCs in non-rural

service territories if said carriers meet the requirements of §214(e)(1). In an FCC Public Notice released December 29, 1997 (FCC 97-419) entitled "Procedures for FCC designation of Eligible Telecommunications Carriers pursuant to §214(e)(6) of the Telecommunications Act", the FCC required each applicant seeking ETC designation from the FCC to provide, among other things, "a certification and brief statement of supporting facts demonstrating that the Petitioner is not subject to the jurisdiction of a state Commission."

The Pine Belt companies enclosed with their joint pleading completed ETC application forms as developed by the Commission. In the event the Commission determines that it does not have jurisdiction to act on the Pine Belt request for ETC status, however, the Pine Belt companies seek an affirmative written statement from the Commission indicating that the Commission lacks jurisdiction to grant them ETC status as wireless carriers.

The issue concerning the APSC's jurisdiction over providers of cellular services, broadband personal communications services, and commercial mobile radio services is one that was rather recently addressed by the Commission. The Commission indeed issued a Declaratory Ruling on March 2, 2000, in Docket 26414 which concluded that as the result of certain amendments to the Code of Alabama, 1975 §40-21-120(2) and (1)(a) effectuated in June of 1999, the APSC has no authority to regulate, *in any respect*, cellular services, broadband personal communications services and commercial mobile radio services in Alabama. Given the aforementioned conclusions by the Commission, it seems rather clear that the Commission has no jurisdiction to take action on the Application of the Pine Belt companies for ETC status in this jurisdiction. The Pine Belt companies and all other wireless providers seeking ETC status should pursue their ETC designation request with the FCC as provided by 47 USC §214(e)(6).

IT IS, THEREFORE, ORDERED BY THE COMMISSION, That the Commission's jurisdiction to grant Eligible Telecommunications Carrier status for universal service purposes does not extend to providers of cellular services, broadband personal communications services, and commercial mobile radio services. Providers of such services seeking Eligible Telecommunications Carrier status should accordingly pursue their requests through the Federal Communications Commission.

IT IS FURTHER ORDERED, That this Order shall be effective as of the date hereof.

DONE at Montgomery, Alabama, this 12th day of March, 2002.

ALABAMA PUBLIC SERVICE COMMISSION

Jim Sullivan, President

Jan Cook, Commissioner

George C. Wallace, Jr., Commissioner

ATTEST: A True Copy

Walter L. Thomas, Jr., Secretary



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC UTILITY CONTROL

November 8, 2010

In reply, please refer to:
UR:PAP

Jacqueline Hankins
Helein & Marashlian
1420 Spring Hill Rd
Suite 205
McLean, VA 22102

Re: Request for Letter Clarifying Jurisdiction Over Wireless ETC Petitions

Dear Ms. Hankins:

The Department of Public Utility Control (Department) acknowledges receipt of your October 25, 2010 letter filed on behalf of Boomerang Wireless, LLC d/b/a Ready Mobile (Ready Mobile) requesting clarification as to whether the Department claims jurisdiction to designate wireless eligible telecommunications carriers (ETC) in Connecticut.

The Department does not regulate or license mobile carrier services' rates and charges and therefore, Ready Mobile should apply to the Federal Communications Commission for purposes of being designed an ETC.

Sincerely,

DEPARTMENT OF PUBLIC UTILITY CONTROL

A handwritten signature in black ink, appearing to read "K. Santopietto", written over the typed name.

Kimberley J. Santopietto
Executive Secretary



STATE OF DELAWARE
PUBLIC SERVICE COMMISSION
861 SILVER LAKE BOULEVARD
CANNON BUILDING, SUITE 100
DOVER, DELAWARE 19904

TELEPHONE: (302) 739 - 4247
FAX: (302) 739 - 4849

July 15, 2009

L. Charles Keller, Jr.
Wilkinson Barker Knauer, LLP
2300 N Street, NW, Ste. 700
Washington, DC 20037

RE: *Conexions LLC*

Dear Mr. Keller:

You have requested a statement confirming that the Delaware Public Service Commission ("PSC") lacks the jurisdiction to designate your client, Conexions, LLC ("Conexions"), as an Eligible Telecommunications Carrier ("ETC") under 47 U.S.C. § 214(e). You have represented that Conexions is a new mobile virtual network operator who seeks to participate in the FCC's Lifeline support program for qualifying low-income consumers.

Under state law, the Delaware PSC does not currently exercise any form of supervisory jurisdiction over wireless commercial mobile radio service ("CMRS") providers. *See* 26 *Del. C.* § 102(2) (excluding "telephone service provided by cellular technology, or by domestic public land mobile radio service" from the definition of "public utility"); 26 *Del. C.* § 202(c) (providing that the Delaware Commission has "no jurisdiction over the operation of domestic public land mobile radio service provided by cellular technology service or over rates to be charged for such service or over property, property rights, equipment of facilities employed in such service"). In fact, in granting ETC status in Delaware for Celco Partnership d/b/a Bell Atlantic Mobile, the FCC accepted the Delaware PSC's confirmation at that time that it did not have jurisdiction under state law to designate CMRS providers as ETCs. *See Federal-State Joint Board on Universal Service; Celco Partnership d/b/a Bell Atlantic Mobile Petition for Designation as an Eligible Telecommunications Carrier*, Memorandum Opinion and Order, 16 FCC Rcd. 39 (2000), at ¶¶ 3-4. There have been no changes to state law regarding the PSC's authority over CMRS providers since the *Celco* decision.

L. Charles Keller, Jr.
July 15, 2009
Page 2

I hope this addresses your request for confirmation that the Delaware Public Service Commission does not have jurisdiction under state law to designate CMRS providers, such as Conexions LLC, as an ETC.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bruce H. Burcat".

Bruce H. Burcat
Executive Director



Public Service Commission of the District of Columbia
1333 H Street, N.W., 2nd Floor, West Tower
Washington, D.C. 20005
(202) 626-5100
www.dcpssc.org

May 26, 2011

Via First Class & Certified Mail

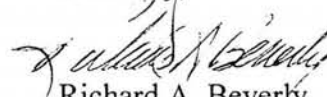
Douglas D. Orvis II
Kimberly A. Lacey
Bingham McCutchen LLP
2020 K Street, NW
Washington, DC 20006-1806

Dear Mr. Orvis and Ms. Lacey:

Thank you for your May 24, 2011 letter requesting information on whether the Public Service Commission of the District of Columbia ("Commission") designates wireless telecommunications carriers as eligible telecommunications carriers ("ETC") for the purposes of receiving federal universal service funding. Please be advised that, pursuant to section 34-2006(b) of the District of Columbia Code, the Commission does not have jurisdiction over wireless carriers. Thus, the Commission has no authority to designate wireless telecommunications carriers as ETCs.

Attached please find a copy of the relevant section of the District of Columbia Code for your information. Should you need anything further, please contact Lara Walt at 202-626-9191 or lwalt@psc.dc.gov.

Sincerely,


Richard A. Beverly
General Counsel

Enclosure

COMMISSIONERS:
ART GRAHAM, CHAIRMAN
LISA POLAK EDGAR
RONALD A. BRISÉ
EDUARDO E. BALBIS
JULIE I. BROWN

STATE OF FLORIDA



GENERAL COUNSEL
S. CURTIS KISER
(850) 413-6199

Public Service Commission

June 2, 2011

Mr. Douglas D. Orvis, II
Bingham McCutchen, LLP
2020 K. Street NW
Washington, DC 20006-1806

Re: Undocketed – TAG Mobile, LLC's ETC Designation

Dear Mr. Orvis:

We received your May 25, 2011 letter requesting a statement that the Florida Public Service Commission's jurisdiction to grant ETC designation to TAG Mobile, LLC changed with Governor Scott's approval of HB 1231, the telecom reform bill.

This letter acknowledges that Governor Scott's approval of HB 1231, the telecom reform bill, revises Chapter 364, Florida Statutes, thereby changing the Commission's jurisdiction regarding telecommunications companies. I direct your attention to Chapter 364, Florida Statutes, including the revisions by HB 1231 for the proposition that the Federal Communications Commission, rather than this Commission is the appropriate agency to consider TAG Mobile, LLC's bid for ETC status.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Curtis Kiser".

S. Curtis Kiser
General Counsel

cc: Beth W. Salak, Director, Division of Regulatory Analysis
Robert J. Casey, Public Utilities Supervisor, Division of Regulatory Analysis
Adam J. Teitzman, Attorney Supervisor, Office of the General Counsel
Ann Cole, Commission Clerk, Office of Commission Clerk

CHAIRMAN
Thomas B. Gelz

COMMISSIONERS
Clinton C. Below
Amy L. Ignatius

EXECUTIVE DIRECTOR
AND SECRETARY
Debra A. Howland

THE STATE OF NEW HAMPSHIRE



PUBLIC UTILITIES COMMISSION
21 S. Fruit Street, Suite 10
Concord, N.H. 03301-2429

Tel (603) 271-2431

FAX (603) 271-3878

TDD Access: Relay NH
1-800-735-2964

Website
www.puc.nh.gov

September 22, 2009

L. Charles Keller
Wilkinson Barker Knauer, LLP
2300 N Street, NW
Suite 700
Washington, DC 20037

Re: Conexions, LLC

Dear Mr. Keller:

This is in response to your letter to the Commission, received July 10, 2009, concerning the above-referenced telecommunications carrier. You requested a statement from the Commission that Conexions, LLC (Conexions) is not subject to the jurisdiction of the Commission, inasmuch as this will affect how Conexions proceeds with efforts to become designated as an Eligible Telecommunications Carrier (ETC) for purposes of receiving universal service support pursuant to the federal Telecommunications Act.

Your attention is directed to a published order of the Commission, *RCC Minnesota, Inc.*, 88 NH PUC 611 (2003) (Order No. 24,245). In that order, the Commission acknowledged that it lacks state-law authority to regulate wireless carriers, *id.* at 615, citing Section 362:6 of the New Hampshire Revised Statutes Annotated, and therefore the Commission concluded that the agency is likewise devoid of jurisdiction to consider a request for ETC designation from the carrier. In my judgment, Conexions as a user of both cellular and PCS (personal communications service) spectrum to provide commercial mobile radio service, may rely on the *RCC Minnesota* decision for the proposition that the Federal Communications Commission, as opposed to the New Hampshire Public Utilities Commission, is the appropriate agency to consider Conexions's bid for ETC status.

Please feel free to call me at 603-271-6005 if I can be of further assistance.

Sincerely,


F. Anne Ross
General Counsel

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE
THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350

www.dps.state.ny.us

PUBLIC SERVICE COMMISSION

GARRY A. BROWN
Chairman
PATRICIA L. ACAMPORA
MAUREEN F. HARRIS
ROBERT E. CURRY JR.
JAMES L. LAROCCA
Commissioners



PETER McGOWAN
General Counsel

JACLYN A. BRILLING
Secretary

July 28, 2010

TO WHOM IT MAY CONCERN:

Re: i-wireless CMRS Jurisdiction

We have received a letter from i-wireless, LLC (i-wireless), requesting a statement that the New York State Public Service Commission does not exercise jurisdiction over CMRS providers for the purpose of making determinations regarding Eligible Telecommunications Carrier designations under section 214 (e)(6) of 47 U.S.C. In response to this request, please be advised that section 5 (6)(a) of the New York State Public Service Law provides that:

Application of the provisions of this chapter to cellular telephone services is suspended unless the commission, no sooner than one year after the effective date of this subdivision, makes a determination, after notice and hearing, that suspension of the application of provisions of this chapter shall cease to the extent found necessary to protect the public interest.

The New York State Public Service Commission has not made a determination as of this date that regulation should be reinstituted under section 5 (6)(a) of the Public Service Law. Consequently, based on the representation by i-wireless that it is a mobile virtual network operator reselling wireless services, i-wireless would not be subject to New York State Public Service Commission jurisdiction for the purpose of making an Eligible Telecommunications Carrier designation.

Very truly yours,

Maureen J. McCauley
Maureen J. McCauley
Assistant Counsel

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. P-100, SUB 133c

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Designation of Carriers Eligible for Universal)
Carrier Support) **ORDER GRANTING PETITION**

BY THE COMMISSION: On August 22, 2003, North Carolina RSA3 Cellular Telephone Company, d/b/a Carolina West (Carolina West), a commercial mobile radio service (CMRS) provider, filed a Petition seeking an affirmative declaratory ruling that the Commission lacks jurisdiction to designate CMRS carrier eligible telecommunications carrier (ETC) status for the purposes of receiving federal universal service support.

In support of its Petition, Carolina West stated that it was a CMRS provider authorized by the Federal Communications Commission (FCC) to provide cellular mobile radio telephone service in North Carolina, and that the FCC had clearly recognized that CMRS carriers such as Carolina West may be designated as ETCs. ETC status is necessary for a provider to be eligible to receive universal service support. Section 214(e)(6) of the Telecommunications Act provides that if a state commission determines that it lacks jurisdiction over a class of carriers, the FCC is charged with making the ETC determination. The FCC has stated that, in order for the FCC to consider requests pursuant to this provision, a carrier must provide an "affirmative statement" from the state commission or court of competent jurisdiction that the state lacks jurisdiction to perform the designation. To date, several state commissions have declined to exercise such jurisdiction.

North Carolina has excluded CMRS from the definition of "public utility." See, G.S. 62-3(23). Pursuant to this, the Commission issued its Order Concerning Deregulation of Wireless Providers in Docket Nos. P-100, Sub 114 and Sub 124 on August 28, 1995, concluding that the Commission no longer has jurisdiction over cellular services. Accordingly, Carolina West has now requested the Commission to issue an Order stating that it does not have jurisdiction to designate CMRS carriers ETC status for the purposes of receiving federal universal service support.

WHEREUPON, the Commission reaches the following

CONCLUSIONS

After careful consideration, the Commission concludes that it should grant Carolina West's Petition and issue an Order stating that it lacks jurisdiction to designate ETC status

for CMRS carriers. As noted above, in its August 28, 1995, Order in Docket Nos. P-100, Sub 114 and Sub 124, the Commission observed that G.S. 62-3(23), enacted on July 29, 1995, has removed cellular services, radio common carriers, personal communications services, and other services then or in the future constituting a mobile radio communications service from the Commission's jurisdiction. 47 USC 3(41) defines a "state commission" as a body which "has regulatory jurisdiction with respect to the intrastate operation of carriers." Pursuant to 47 USC 214(e)(6), if a state commission determines that it lacks jurisdiction over a class of carriers, the FCC must determine which carriers in that class may be designated as ETCs. Given these circumstances, it follows that the Commission lacks jurisdiction over CMRS services and the appropriate venue for the designation of ETC status for such services is with the FCC. Accord., Order Granting Petition, ALLTEL Communications, Inc., June 24, 2003.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 28th day of August, 2003.

NORTH CAROLINA UTILITIES COMMISSION

Patricia Swenson

Patricia Swenson, Deputy Clerk

1000000001

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

April 11, 2003

IN RE:

APPLICATION OF ADVANTAGE CELLULAR
SYSTEMS, INC. TO BE DESIGNATED AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER

)
)
)
)
)

DOCKET NO.
02-01245

ORDER

This matter came before Chairman Sara Kyle, Director Deborah Taylor Tate and Director Pat Miller of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned in this docket, at the regularly scheduled Authority Conference held on January 27, 2003, for consideration of the *Application of Advantage Cellular Systems, Inc. To Be Designated As An Eligible Telecommunications Carrier ("Application")* filed on November 21, 2002.

Background

Advantage Cellular Systems, Inc. ("Advantage") is a commercial mobile radio service provider ("CMRS") seeking designation as an Eligible Telecommunications Carrier ("ETC") by the Authority pursuant to 47 U.S.C. §§ 214 and 254. In its *Application*, Advantage asserts that it seeks ETC status for the entire study area of Dekalb Telephone Cooperative, Inc., a rural cooperative telephone company. Advantage maintains that it meets all the necessary requirements for ETC status and therefore is eligible to receive universal service support throughout its service area.

The January 27, 2003 Authority Conference

During the regularly scheduled Authority Conference on January 27, 2003, the panel of Directors assigned to this docket deliberated Advantage's *Application*. Of foremost consideration was the issue of the Authority's jurisdiction. The panel unanimously found that the Authority lacked

jurisdiction over Advantage for ETC designation purposes.¹

This conclusion was implicitly premised on Tenn. Code Ann. § 65-4-104, which provides that:

The Authority has general supervisory and regulatory power, jurisdiction and control over all public utilities and also over their property, property rights, facilities, and franchises, so far as may be necessary for the purpose of carrying out the provisions of this chapter.

For purposes of Tenn. Code Ann. § 65-4-104, the definition of public utilities specifically excludes, with certain exceptions not relevant to this case, "[a]ny individual, partnership, copartnership, association, corporation or joint stock company offering domestic public cellular radio telephone service authorized by the federal communications commission."

The Authority's lack of jurisdiction over CMRS providers implicates 47 U.S.C. § 214(e), which addresses the provision of universal service. Where common carriers seeking universal service support are not subject to a state regulatory commission's jurisdiction, 47 U.S.C. § 214(e)(6) authorizes the Federal Communications Commission ("FCC") to perform the ETC designation.²

¹ This finding is not inconsistent with the Authority's decision in *In re: Universal Service Generic Contested Case*, Docket 97-00883, *Interim Order on Phase I of Universal Service*, pp. 53-57 (May 20, 1998), in which the Authority required intrastate telecommunications carriers to contribute to the intrastate Universal Service Fund including telecommunications carriers not subject to authority of the TRA. The decision in Docket No. 97-00883 was based primarily on 47 U.S.C. § 254(f) which authorizes states to adopt regulations not inconsistent with the Federal Communications Commission's rules on Universal Service and specifically requires every telecommunications carrier that provides intrastate telecommunications services to contribute to the preservation and advancement of universal service in that state. The *Interim Order* was issued prior to the effective date of 47 U.S.C. § 214(e)(6).

² 47 U.S.C. § 214(e)(6) states:

(6) Common carriers not subject to state commission jurisdiction

In the case of a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission, the Commission shall upon request designate such a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the Commission consistent with applicable Federal and State law. Upon request and consistent with the public interest, convenience and necessity, the Commission may, with respect to an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated under this paragraph, so long as each additional requesting carrier meets the requirements of paragraph (1). Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the Commission shall find that the designation is in the public interest.

As a matter of "state-federal comity," the FCC requires that carriers seeking ETC designation "first consult with the state commission to give the state commission an opportunity to interpret state law."³ Most carriers that are not subject to a state regulatory commission's jurisdiction seeking ETC designation must provide the FCC "with an affirmative statement from a court of competent jurisdiction or the state commission that it lacks jurisdiction to perform the designation."⁴

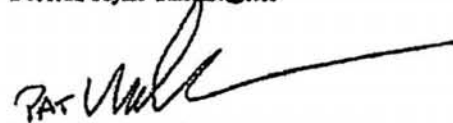
The panel noted that the FCC is the appropriate forum for Advantage to pursue ETC status pursuant to 47 U.S.C. § 214(e)(6). This Order shall serve as the above mentioned affirmative statement required by the FCC.

IT IS THEREFORE ORDERED THAT:

The Application of Advantage Cellular Systems, Inc. To Be Designated As An Eligible Telecommunications Carrier is dismissed for lack of subject matter jurisdiction.


Sara Kyle, Chairman


Deborah Taylor Tate, Director


Pat Miller, Director

³ *In the Matter of Federal-State Joint Bd. on Universal Service*, CC Docket No. 96-45, *Twelfth Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking*, 15 F.C.C.R. 12208, 12264, ¶ 113 (June 30, 2000).

⁴ *See id.* (The "affirmative statement of the state commission may consist of any duly authorized letter, comment, or state commission order indicating that it lacks jurisdiction to perform designations over a particular carrier.")

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, APRIL 9, 2002

COMMONWEALTH OF VIRGINIA, ex rel.

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. PUC970135

Ex Parte, in re: Implementation
of Requirements of § 214(e) of the
Telecommunications Act of 1996

IN RE:

APPLICATION OF VIRGINIA CELLULAR LLC

CASE NO: PUC010263

For designation as an eligible
telecommunications provider under
47 U.S.C. § 214(e) (2)

ORDER

On September 15, 1997, the State Corporation Commission ("Commission") established the docket in Case No. PUC970135 to consider the requests of local exchange carriers ("LECs") to be designated as eligible telecommunications carriers ("ETC designation") to receive universal service support pursuant to § 214(e) of the Telecommunications Act of 1996, 47 U.S.C. § 251 et seq., ("Act") and associated Federal Regulations.¹ The Commission's exercise of its jurisdiction under § 214(e) (2) of the Act has been to establish a simple and streamlined process for telecommunications carriers to certify their eligibility with a minimum of regulatory burden placed upon each applicant.

¹ 47 C.F.R. § 54.201-207.

All Virginia carriers receiving an ETC designation have merely been required to file an affidavit which, among other matters, certifies that all requirements of the Act for designation are met.²

Until the above-captioned Application was filed in Case No. PUC010263 by Virginia Cellular LLC ("Virginia Cellular" or "Applicant") for ETC designation, these proceedings have been uncontested. This is the first application by a Commercial Mobile Radio Service ("CMRS") carrier for ETC designation.³ Pursuant to the Order Requesting Comments, Objections, or Requests for Hearing, issued by the Commission on January 24, 2002, the Virginia Telecommunications Industry Association ("VTIA") and NTELOS Telephone Inc. ("NTELOS") filed their respective comments and requests for hearing on February 20, 2002. Virginia Cellular filed Reply Comments on March 6, 2002.⁴

The comments of NTELOS and VTIA both contest the sufficiency of the Application and claim Virginia Cellular has

² See Order issued November 21, 1997, in Case No. PUC970135, pp. 2-4 ("November 21, 1997, Order"). Also, the annual certification procedure to comply with 47 C.F.R. §§ 54.313 and 314 has been reduced to filing a form affidavit approved by the Commission in a Preliminary Order, issued August 29, 2001, in Case No. PUC010172.

³ Virginia Cellular is a CMRS carrier as defined in 47 U.S.C. § 153(27) and is authorized as the "A-band" cellular carrier for the Virginia 6 Rural Service Area, serving the counties of Rockingham, Augusta, Nelson, and Highland and the cities of Harrisonburg, Staunton, and Waynesboro.

⁴ On March 4, 2002, Virginia Cellular filed a Consent Motion requesting until March 6, 2002, to file Reply Comments. There being no objection, we now grant the Consent Motion.

failed to demonstrate how the public interest will be served.⁵ NTELOS and VTIA each allude in their comments to other expected applications for ETC designation by wireless and CLEC carriers to follow this case of first impression. For that reason, we are asked by VTIA and NTELOS to convene a hearing and establish certain standards for the provisioning of the nine services specified in 47 C.F.R. § 54.101.⁶ Each applicant is required to provide these nine services to be eligible for ETC designation.

VTIA further comments that "[i]t is not clear how the designation of Virginia Cellular as an ETC will affect the distribution of Universal Funds to the existing carriers in any given rural exchange area." Virginia Cellular replies that this "macroeconomic concern" need not be addressed with this Application. Rather, the Federal Communications Commission ("FCC") and the Federal State Joint Board on Universal Service

⁵ § 214(a)(2) of the Act requires that an ETC designation in areas served by a rural telephone company be based upon a finding that the designation is in the public interest. The Commission did recognize in its November 21, 1997, Order that any carrier seeking ETC designation in a rural area would have the burden of proving that such designation is in the public interest if challenged. Virginia Cellular is seeking ETC designation in the service territories of the following rural telephone companies: Shenandoah Telephone Company ("Shenandoah"), Clifton Forge Waynesboro Telephone Company ("NTELOS"), New Hope Telephone Company, North River Cooperative, Highland Telephone Cooperative, and Mountain Grove-Williamsville Telephone Company ("MGW").

⁶ The nine services required to be offered include: voice grade access to the public switched network; local usage; dual tone multi-frequency signaling or its functional equivalent; single-party service or its functional equivalent; access to emergency services; access to operator services; access to interexchange service; access to directory assistance; and toll limitation for qualifying low-income consumers. Also, the services must be advertised in appropriate media sources. See In Re: Federal-State Joint Board of Universal Service, Report and Order, CC Docket No. 96-45, ¶ 145 (May 8, 1997) ("Universal Service Report & Order").

are reported by Virginia Cellular to be conducting ongoing proceedings to ensure the solvency of the high-cost support fund.⁷ Presumably, VTIA views any public interest served by Virginia Cellular's ETC designation to depend upon whether there would be a consequent diminution of universal service funds.

Virginia Cellular cites the authority of § 214(e)(6) of the Act for this Commission to send Applicant to the FCC for ETC designation if this Commission declines to act on its Application.⁸ In its Reply Comments, Virginia Cellular reports that the "FCC has been actively processing ETC applications on behalf of states which have declined to exercise jurisdiction [over CMRS carriers]. Its internal processing time has been six months, and it has met that timeline in almost all of its proceedings [and] . . . most, if not all of the issues raised by the commenters have been previously addressed by the FCC in its prior orders involving applications for ETC status."⁹

The Commission finds that § 214(e)(6) of the Act is applicable to Virginia Cellular's Application as this Commission has not asserted jurisdiction over CMRS carriers and that the

⁷ Reply Comments at p. 5.

⁸ Pursuant to § 332(c)(3), 47 U.S.C. § 332(c)(3), state regulation of the entry of or the rates charged by any commercial mobile service or any private mobile service is preempted. The Commission has deregulated all Virginia radio common carriers and cellular mobile radio communications carriers. See Final Order issued October 23, 1995, Case No. PUC950062.

⁹ Reply Comments at p. 3.

Applicant should apply to the FCC for ETC designation.¹⁰ The Applicant points out that if Virginia Cellular is designated as an ETC carrier, then the Commission must redefine the service areas of NTELOS and Shenandoah, pursuant to 47 C.F.R.

§ 54.207(c).¹¹ The Applicant has indicated a willingness to propose a plan to redefine these companies' service areas and may submit such a plan with its application to the FCC for ETC designation.

If necessary, this Commission will participate with the FCC and Federal-State Joint Board in redefining the service areas of NTELOS and Shenandoah for "the purpose of determining universal service obligations and support mechanisms." (47 C.F.R.

§ 54.207(a))¹² Although the FCC will make the final determination on Virginia Cellular's requests, we need to leave this docket open in case there is additional action we must take with respect to defining the service areas of NTELOS and Shenandoah.¹³

¹⁰ The action is similar to that taken by the Commission in Case No. PUC010172 in its August 29, 2001, Order that required cooperatives to certify directly with the FCC.

¹¹ The Commission believes that the service area of MGW does not necessarily need to be redefined if Virginia Cellular is designated as an ETC in that territory. However, if the FCC determines otherwise, the Commission will consider additional action if necessary.

¹² Pursuant to 47 C.F.R. § 54.207(c), if the Applicant proposes to redefine these two companies' service areas, the FCC's procedures require the Commission's agreement on the definitions.

¹³ At this juncture, it is unclear whether the Commission will need to address the redefinitions once disaggregation plans are filed at the FCC pursuant to 47 C.F.R. § 54.315(a).

NOW UPON CONSIDERATION of all the pleadings of record and the applicable law, the Commission is of the opinion that Virginia Cellular should request the FCC to grant the requested ETC designation, pursuant to 47 U.S.C. § 214(e)(6).

Accordingly, IT IS ORDERED THAT Case No. PUC010263 will remain open for further order of the Commission.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: all LECs certified in the Commonwealth of Virginia, as set out in Appendix A of this Order; David A. LaFuria, Esquire, Lukas Nace Gutierrez & Sachs, 1111 Nineteenth Street, N.W., Suite 1200, Washington, D.C. 20036; C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of Attorney General, 900 East Main Street, Second Floor, Richmond, Virginia 23219; William F. Caton, Acting Secretary, Federal Communications Commission, Office of the Secretary, 445 12th Street, S.W., Washington, D.C. 20554; and the Commission's Office of General Counsel and Division of Communications.